

FREEDOM OF INFORMATION  
AND  
PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub 7 (A)



FEDERAL BUREAU OF INVESTIGATION

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FILE DESCRIPTION

NEW YORK FILE

SUBJECT

Julius Rosenberg

FILE NO.

65-15348  
Sub Sec A

VOLUME NO.

7

SERIALS

457

thru

627

File No: 65-15348-Sub ARe: Julius RosenbergDate: 1/28  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
457	1-20-53	Transfer sheet	1	1	See NY 65-15348-C-4
458	1-21-53	Transfer sheet	1	1	See NY 65-15348-E-24
459	1-20-53	"	1	1	See NY 65-15348-D-51
460	1-20-53	"	1	1	See NY 65-15348-D-50
461	1-20-53	"	1	1	See NY 65-15348-D-32
462	3-28-53	Printout sheet	2	2	
463	1-21-53	Transfer sheet	1	1	See NY 65-15348-E-26
464	1-21-53	Transfer sheet	1	1	See NY 65-15348-E-25
465	1-21-53	"	1	1	See NY 65-15348-E-27
466	1-20-53	"	1	1	See NY 65-15348-D-33
467	1-21-53	"	1	1	See NY 65-15348-E-28
468		Newsclipping	2	2	

Date: 1/28  
(month/year)File No: 65-15348-Sub ARe: Julius Rosenberg

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
469					
↓		NEWS Clippings			
476			12	12	
477	1-21-53	transfer sheet	1	1	See NY file 65-15348-E-30
478	1-21-53	transfer sheet	1	1	See NY file 65-15348-E-31
479		NEWS Clipping	1	1	
480		NEWS Clipping	2	2	
481	1-21-53	transfer sheet	1	1	See NY file 65-15348-E-33
482	1-21-53	"	1	1	See NY file 65-15348-E-32
482A	"	"	1	1	See NY file 65-15348-E-32
483	1-21-53	"	1	1	See NY file 65-15348-E-34
484	1-21-53	"	1	1	See NY file 65-15348-E-34

VOLUME 7

NEW YORK FILES

REVIEWED BY JEGFile No: 65-15348 Sub ARe: Julius RosenbergDate: 1/18  
(month/year)Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
485	1-20-53	transfer sheet	1	1	See NY 65-15348-C-7
486		news clipping	1	1	
487	1-20-53	transfer sheet	1	1	See NY 65-15348-C-6
487A	1-20-53	transfer sheet	1	1	See NY 65-15348-C-10
488	1-20-53	transfer sheet	1	1	See NY 65-15348-C-9
489	1-20-53	transfer sheet	1	1	See NY 65-15348-C-8
490	1-21-53	transfer sheet	1	1	See NY 65-15348-E-36
491		news clipping	2	2	
491A	1-21-53	transfer sheet	1	1	See NY 65-15348-E-35
491B	1-21-53	transfer sheet	1	1	See NY 65-15348-E-37
491C	1-21-53	transfer sheet	1	1	See NY 65-15348-E-35



VOLUME 7

NEW YORK FILES

REVIEWED BY JG

File No: 65-15348-Sub A Re: Julius Rosenberg

Date: 1/78 (month/year)

Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
492		newsclippings	4	4	
493B			1	1	See NY file 65-15348-C-11
493C	1-20-53	transfers sheet	1	1	See NY file 65-15348-E-38
494	1-21-53	transfers sheet	1	1	
494A		newsclipping	1	1	
494B		newsclipping	1	1	See NY file 65-15348-C-12
494C	1-20-53	transfers sheet	1	1	See NY file 65-15348-E-38
495	1-21-53	transfers sheet	1	1	See NY file 65-15348-C-13
495A	1-20-53	transfers sheet	1	1	See NY file 65-15348-C-14
496	1-20-53	transfers sheet	1	1	See NY file 65-15348-C-15
497	1-20-53	transfers sheet	1	1	See NY file 65-15348-E-39
498	1-21-53	transfers sheet	1	1	

VOLUME 7

NEW YORK FILES

REVIEWED BY jgg

File No: 65-15348-Sub A

Re: Julius Rosenberg

Date: 1/78

(month/year)

Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)No. of Pages  
Actual ReleasedDescription  
(Type of communication, to, from)

Serial

Date

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
499	1-20-53	transfer sheet	1	1	See NY 65-15348-D-36
500	1-21-53	transfer sheet	1	1	See NY 65-15348-D-37
501	1-21-53	transfer sheet	1	1	See NY 65-15348-E-40
502		inadvertently	1	1	
561		skipped	1	1	
562		news clipped	1	1	See NY 65-15348-E-41
563	1-21-53	transfer sheet	1	1	See NY 65-15348-C-76
563A	1-20-53	transfer sheet	1	1	See NY 65-15348-C-17
564	1-20-53	transfer sheet	1	1	See NY 65-15348-E-42
565	1-21-53	transfer sheet	1	1	See NY 65-15348-D-38
566	1-20-53	transfer sheet	1	1	See NY 65-15348-E-43
567	1-21-53	transfer sheet	1	1	See NY 65-15348-E-43

VOLUME 2

NEW YORK FILES

REVIEWED BY gggInventory Worksheet  
FD-503 (2-18-77)File No: 65-15348 Sub ARe: Julius RosenbergDate: 1/78  
(month/year)Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)No. of Pages  
Actual ReleasedDescription  
(Type of communication, to, from)

Date

Serial

568

news clippings

569

news clippings

570 1-20-53

transfer sheet

571 1-20-53

transfer sheet

572 1-20-53

transfer sheet

573 1-21-53

transfer sheet

574

news clippings

575

transfer sheet

576

news clippings

589

590 1-20-53

transfer sheet

591 1-21-53

transfer sheet

51

FBI/DOJ

VOLUME

NEW YORK FILES

REVIEWED BY

100

6.5-15348 Sub A

Re: Julius Rosenberg

Date: 1/28

(month/year)

File No:

Re:

Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		
			Actual	Released	
592	1-21-53	trans for sheet	1	1	See NY 65-15348-E-48
593		news clippings	1	1	
594		news clippings	1	1	
595	1-21-53	trans for sheet	1	1	See NY 65-15348-E-50
596	1-21-53	trans for sheet	1	1	See NY 65-15348-E-51
597	1-21-53	trans for sheet	1	1	See NY 65-15348-E-52
598	1-21-53	trans for sheet	1	1	See NY 65-15348-E-53
599	1-21-53	trans for sheet	1	1	See NY 65-15348-E-54
600			1	1	
601A		news clippings			
609		news clippings	16	16	
610		SERIAL MISSING			



VOLUME 1

NEW YORK FILES

REVIEWED BY JF

File No: 65-15348-Sub A

Re: Julius Rosenberg

Date: 1/28

(month/year)

Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)No. of Pages  
Actual ReleasedDescription  
(Type of communication, to, from)

Date

Serial

611

newsclipping

612

newsclipping

613

trans for sheet

614

newsclipping

V

616

trans for sheet

617

1-21-53

618

newsclipping

619

1-21-53

trans for sheet

620

1-21-53

trans for sheet

621

newsclipping

621ABC

1-21-53

trans for sheet

622

newsclipping

VOLUME 1

NEW YORK FILES

REVIEWED BY JSFile No: 65-15348-Sub ARe: Julius RosenbergDate: 1/28  
(month/year)Exemptions used or, to whom referred  
(Identify statute if (b)(3) cited)No. of Pages  
Actual ReleasedDescription  
(Type of communication, to, from)

Date

Serial

623

newsclippings

66

625A

transfer sheet

11

65-15348-E-57A

626

transfer sheet

11

65-15348-E-55A

626A

newsclipping

11

626B

newsclipping

11

627

newsclipping

172-172

TRANSFER SHEET  
CHARGE-OUT SLIP

FD-5  
(7-10-52)

FILE	<u>65-15348-A</u>	<u>1/20/53</u>
	<u>Class      Number      Last Serial</u>	<u>Date</u>
Serials	<u>457</u>	<u>                    </u>
		<u>Date</u>
Serials	<u>transferred to 65-15348-C-4</u>	<u>                    </u>
		<u>Date</u>
Serials	<u>                                    </u>	<u>                    </u>
		<u>Date</u>
Employee:	<u>  </u>	
	<u>RECHARGE</u>	
		<u>Date</u>
To:	<u>                                    </u>	From: <u>                                    </u>



TRANSFER SHEET  
CHARGE-OUT SLIP

FD-5  
(7-10-52)

FILE 65-15348-A 1/21/53

Class	Number	Last Serial	Date
Serials	<u>458</u>		<u>        </u>
Serials	<u>transferred to 65-15348-E-21</u>		<u>        </u>
Serials	<u>        </u>		<u>        </u>

Employee:                                 

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Date                                 

To:                                  From:

TRANSFER SHEET  
CHARGE-OUT SLIP

FD-5  
(7-10-52)

FILE 65-15348-A 1/20/53  
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Serials 459 \_\_\_\_\_ Date \_\_\_\_\_  
Serials transferred to 65-15348-D-31 \_\_\_\_\_ Date \_\_\_\_\_  
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Employee: \_\_\_\_\_  
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To: \_\_\_\_\_ From: \_\_\_\_\_

TRANSFER SHEET  
CHARGE-OUT SLIP

FD-5  
(7-10-52)

FILE 65-15348-A 1/20/53  
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Serials 460 \_\_\_\_\_  
Date \_\_\_\_\_

Serials transferred to 65-15348-D-30 \_\_\_\_\_  
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Serials \_\_\_\_\_  
Date \_\_\_\_\_

Employee: \_\_\_\_\_

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To: \_\_\_\_\_ From: \_\_\_\_\_



FD-5  
(7-10-52)

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Date \_\_\_\_\_

To: \_\_\_\_\_ From: \_\_\_\_\_

COMMUNISTS WANT ATOM SPIES' DEATH SENTENCE COMMUTED. The Communist Party (CP) has launched a big campaign for commutation of death sentences of ETHEL and JULIUS ROSENBERG who were convicted last April of giving U S atomic secrets to Stalin. It is agitating for a reversal by Federal Judge IRVING R KAUFMAN's death sentence and a new trial for the spies.

U S Court of Appeals unanimously upheld their conviction last month. EMANUEL BLOCH, attorney for ROSENBERGS, is trying to take case to Supreme Court. Unanimous Court of Appeals decision, however, gives little hope that nation's highest court will set aside Judge KAUFMAN's sentence.

But CP still hopes that at least a commutation of death sentence by PRES. TRUMAN may be won if enough pressure is exerted. That's the major reason for this campaign. If President commutes sentence, perhaps because one of the spies is a woman, it will be a great Communist victory.

CP will then say Govt knows ROSENBERGS are innocent and dares not put them to death. It will use the commutation as a basis for discrediting all spy trials and for blaming the "frame-up" charge on this one.

Front set up by CP to direct agitation and propaganda in ROSENBERG case is called National Committee to Secure Justice in the Rosenberg Case. At meeting on March 12 it started distribution of an amicus curiae brief to Supreme Court in behalf of the convicted atom spies. Committee now claims over 1000 signers for this brief.

Committee is appealing for thousands of letters to PRES. TRUMAN and Attorney General McGRATH asking for a new trial and for letters to Judge KAUFMAN to reconsider his sentence.

It is also distributing a booklet entitled "To Secure Justice in the Rosenberg Case". Booklet is actually an abbreviated reprint of a series of CP line articles on case written by WM A REUBEN for the "National Guardian" (weekly voice of the CP-run "Progressive" Party).

And the committee is holding meetings. At March 12 meeting in Pythian Hall (NY City) was held to overflowing. About 500 people were turned away because hall could not accommodate them.

Mrs HELEN SOBELL, wife of MORTON SOBELL, who was tried as conspirator with ROSENBERGS and given a thirty year sentence, spoke at meeting. "It was a dirty rotten business," she said of the ROSENBERG trial, "from the moment the word Communist was mentioned it was a massacre."

Other speakers at meeting were: MARY VAN KLEECK, former high official of Russell-Sage Foundation, who has poor record dating back many years and was named as Communist by LOUIS BUDENZ in hearings on Institute of Pacific Relations; RAY SPENCER KENNARD, a very active CP front; B Z GOLDBERG, another front; and WILSON for Jewish Day; WM REUBEN of Nat'l Guardian; and WILSON JOSEPH BRAUNIN, chairman of ROSENBERG defense committee.

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J. G. Kennedy, President; N. C. Knapp, Secretary; J. J. McNamara, Editor.

CLIPPING FROM THE

*Crusader*

DATED 3-28-52  
FORWARDED BY N. Y. DIVISION

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
APR 9 1952	
FBI - NEW YORK	



Message from ROSENBERG was read at meeting by Communist ALBERT E. KAHN, author of "High Treason" (see last week's COUNTERATTACK). Rabbi LOUIS B. CROSS, editor of the Jewish Examiner, also sent message to meeting. Many more meetings of this type will be held to whip up support for CP's campaign to win a commutation for ROSENBERG. Some have already been held in Chicago and in New York. New Jersey area alone about 15 additional meetings will be held within next two weeks.

STALIN'S DIVISIVE TACTICS ARE DEMONSTRATED IN ROSENBERG CASE. To further their own ends, Communists always introduce nationality, racial and religious issues into their propaganda and agitation. They hope to increase tensions in U.S. by doing so. They want to set religion vs. religion, race vs. race and class vs. class and thus destroy unity of U.S. for Moscow's benefit. They also hope to belabor issues and hide the main point, that the person they are defending is, whether he is a spy or a front supporter, has criminal record or otherwise aided Stalin's conspiracy to destroy freedom and subvert all governments that oppose his plans to enslave the world. It is difficult to believe Communism is even an issue in most cases after reading or hearing the CP line. Someone is always being "persecuted" because he is a member of a religious or racial minority or being "framed" because he is a "worker", a "unionist", etc.

ROSENBERG case is no exception. The party's Civil Rights Congress has charged that they are victims of a "virulent anti-Semitic legal lynching". The Nat'l Committee to Secure Justice in the Rosenberg Case peddles inflammatory divisive propaganda. It states that "entire leading Yiddish press" has asked "whether anti-Semitism has not in this case found its ultimate and most deadly expression". (This statement is completely false. Most important Yiddish language and other Jewish papers have upheld verdict). This virulent CP line has been denounced by leading Jewish groups like Jewish War Veterans and After-Bornation League of B'nai B'rith which have warned their members against the party's divisive tactics. CP's disruptive propaganda can always be undercut if those it tries to use repudiate it in such an outright fashion and wage counter campaign to prevent CP from robbing anybody on the real issues.

TRANSFER SHEET  
CHARGE-OUT SLIP

FD-5  
(7-10-52)

65-15348-A

1/21/53

FILE	Class	Number	Last Serial	Date
Serials		463		Date
Serials	transferred to 65-15348-E-26			Date
Serials				Date

Employee: \_\_\_\_\_

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Date \_\_\_\_\_

To: \_\_\_\_\_ From: \_\_\_\_\_

TRANSFER SHEET  
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FD-5  
(7-10-52)

65-15348-A

1/21/53

FILE	Class	Number	Last Serial	Date
Serials	464			Date
Serials	transferred to 65-15348-S-25			Date
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TRANSFER SHEET  
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FD-5  
(7-10-52)

FILE 65-15348-A 1/21/53  
Class Number Last Serial Date  
Serials 465 Date  
Serials transferred to 65-15348-E-27 Date  
Serials \_\_\_\_\_ Date  
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TRANSFER SHEET  
CHARGE-OUT SLIP

FD-5  
(7-10-52)

65-15348-A

1/20/53

FILE	Class	Number	Last Serial	Date
Serials		466		
Serials	transferred to 65-15348-D-33			
Serials				

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To: \_\_\_\_\_ From: \_\_\_\_\_





ASAC 1  
ASAC 2  
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# **U. S. Appeals Court Refuses Rosenbergs' Petition**

The United States Court of Appeals denied yesterday a petition by Ethel and Julius Rosenberg, convicted atom spies, for a rehearing on their appeal from death sentences imposed April 5, 1951. The court had previously upheld the sentences.

In a unanimous opinion, written by Judge Jerome N. Frank and concurred in by Judges Thomas W. Swan and Harrie B. Chase, the court declined to reconsider the case. It also refused to grant another hearing to Morton Sobell, who was sentenced to thirty years for complicity in transmitting atomic secrets to Russia.

Attorneys for the Rosenbergs have indicated they would take their appeal to the United States Supreme Court. Rosenberg, thirty-three, an electronics engineer, and his wife, thirty-six, were convicted in United States District Court March 29, 1951, and sentenced the following week.

In another development yesterday, the Circuit Court reserved decision on an appeal by Gus Hall, one of the four top Communist leaders in the United States who jumped bail, from his conviction and three-year sentence on criminal contempt charges.

Argument on the appeal was conducted by Harry Sacher, attorney for Hall, and Roy M. Cohn, Assistant United States Attorney, before a tribunal composed of Judge Chase and Judges Charles E. Clark and John Biggs Jr. Hall, national secretary of the Communist party, was convicted with ten other Communists in 1949 for conspiring to teach and advocate the forceful overthrow of the government. Seven surrendered last July to begin their sentences.

CLIPPING FROM THE

N. Y. N.Y. HERALD TRIBUNE

DATED APR 9 1952

FORWARDED BY N. Y. DIVISION

65-11348-A-46

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
APR 10 1952	
FBI - NEW YORK	

J. Harrington

Emphasis in the trial record and in the prosecution's case is not on the stated crime (of which I believe the prisoners guilty) but on the nature of their political and ideologic commitments. They were tried primarily on the charge of being Communists; and it seems to me that the judge's charge to the jury emphasized to the point of hysteria the presumption of the Communist affiliations of the Rosenbergs rather than the exact nature of the acts committed by them in contravention of the law; and I believe the death penalty as well as the verdict of guilty derived from hostility of the court and jury toward the very idea of communism; and that if it were not for fear of being somehow identified with an affection for the political beliefs of the Rosenbergs, there would have been a gigantic public outcry against the death sentence, cutting across political and economic lines.

I believe deeply that people should be punished for ACTS, but that ideas may be confronted successfully ONLY by conflicting, and superior, ideas.

I believe the Rosenbergs should pay the consequence of a prison sentence for their acts; I do not believe they should be deprived of their lives for the ideas they held (or MAY have held, since the evidence on this point is by no means conclusive!) and I believe we lower our standards of democratic justice if the death penalty should be permitted to stand.

I believe that if the Supreme Court can be induced to examine the record, it will be clear to a majority of the justices that the court and the jury were swayed by a determination to strike out at the Rosenbergs as symbols not simply of espionage—which requires punishment—but of communism, which cannot in my judgment be inhibited by detention or even by the hangman's noose; that a retrial in an atmosphere free of vengeful motivation is essential. If that should fail, I believe the cause of freedom and democracy will be better served by a commutation of the death sentence than by the martyrizaton of the Rosenbergs through a dole execution.



SAC  
ASAC 1  
ASAC 2  
SEC. 1  
SEC. 2  
SEC. 3  
SEC. 4  
SEC. 5  
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SEC. 8  
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NIGHT SUPERVISOR  
PROPERTY CLERK  
TRAINING UNIT

# Rosenbergs Lose Plea To Avert Spy Doom

By HARRY SCHLEGEL

The U. S. Court of Appeals yesterday denied a plea by atom-spies Julius and Ethel Rosenberg, now in the Sing Sing death house, for a rehearing on their appeal from a conviction of stealing A-bomb secrets for the Kremlin.

The decision turning down a petition for a rehearing of its Feb. 25 ruling, upholding a Federal Court espionage conviction, was concurred in by Judge Jerome F. Frank, Thomas W. Swan and Harrie B. Chase.

Thus it was left to the U.S. Supreme Court to decide finally the fate of the first civilians ever sentenced to death for spying on their country. Emanuel H. Bloch, attorney for the couple, had previously announced his intention of fighting their conviction to the highest court.

In a separate decision, the court also denied a re-hearing to Mort in Sobell, convicted with the Rosen-



Julius  
Rosenberg

bergs. He is now serving a 30-year prison term.

The Rosenbergs and Sobell were found guilty on March 29, 1951, on charges of spy-plotting. Mrs. Rosenberg's brother, David Greenglass, now doing 15 years for his role in the family-circle spy ring, turned against his sister and served as chief government witness.

The Rosenbergs, parents of two small children, appealed their conviction on grounds that "political ideas" had influenced the jury. They also charged that death in the chair was a cruel and inhuman punishment, in violation of the Eighth Amendment to the Constitution.

CLIPPING FROM THE

N. Y. N.Y. NEWS

DATED APR 9 1952

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65-15348-A-464

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
APR 9 1952	
FBI - NEW YORK	

J. Harrington

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SEC. 6  
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SEC. 9  
SEC. 10  
SEC. 11

SUPERVISOR  
CLERK  
STENOGRAPHER

# Appeal Court Rejects Plea by Rosenbergs

The U. S. Circuit Court of Appeals refused yesterday to review its Feb. 25 opinion affirming the espionage conspiracy conviction and death sentences of Julius and Ethel Rosenberg.

This leaves an appeal to the Supreme Court as the only remaining legal avenue for the defense, which argued that the Rosenbergs' trial was colored by political considerations and that it was conducted unfairly by Judge Irving Kaufman.

The Court of Appeals rejected these contentions in its original opinion.

The Rosenbergs—he is 33, she 36—are the parents of two young children. They have been in Sing Sing death house since shortly after their convictions a year ago. Their case evoked wide attention because it involved the first peacetime imposition of the death penalty for such a charge.

Their partisans, who have formed a nationwide committee to press their defense, have asserted that the extreme penalty was a

reflection of "cold war" influences and that such influences governed the trial. The Court of Appeals took note of the "cold war" in affirming the sentences.

The case was an outgrowth of atomic espionage revelations involving British atomic scientist Dr. Klaus Fuchs. The Rosenbergs were accused of having obtained atomic data from Mrs. Rosenberg's brother, David Greenglass, while he was working as an Army sergeant on the Los Alamos project in 1945, for transmission to the Russians. Greenglass, the chief prosecution witness, was let off with a 15-year sentence. Several challenges were raised, after the trial, to Greenglass' competence to comprehend and pass on important atomic data.

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J. Harrington

# ROSENBERG'S FACE TEST IN OP COURT

## Court of Appeals Denies New Hearing to Spies, but Says the Law Is Debatable

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Rosenberg, 32-year-old electrical engineer, and his wife, Ethel, 35, were sentenced to death last year by Federal Judge Irving R. Kaufman after a conviction of conspiracy to commit espionage. They have since been lodged in the death house at Sing Sing.

The Court of Appeals upheld the conviction last Feb. 23. Within thirty days Emanuel Bloch, defense counsel, will ask the United States Supreme Court to review the case. Only the President can mitigate the death sentence.

The Appellate Court's denial in the Rosenberg case was unanimous. Judge Jerome N. Frank wrote the court's opinion, concurred in by Judge Thomas W. Swan and Judge Harrie B. Chase. In a separate decision, with no opinion, Judge Swan and Judge Chase denied rehearing to Morton Sobell, convicted of complicity and sentenced to thirty years.

### Debatable Questions Seen

Judge Frank wrote that there were debatable questions of law involving the death sentence and urged the Supreme Court to decide these issues. The jurist noted that in the Rosenbergs' petition for a rehearing, for the first time, they urged as pertinent an article of the Constitution as follows:

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

Judge Frank further noted that the Rosenbergs rested two arguments on the provision:

1. Had the defendants been indicted and tried for giving aid to an "enemy," the crime charge would have been treason and they could not have been convicted unless the trial judge instructed the jury as to the two-witness rule and told the jury specifically the overt act or acts that a jury

must find to justify a verdict of guilty.  
2. Traditionally, and in this country by statute, the courts have been authorized to impose death penalty for treason. To authorize such a sentence for a similar but less grave offense, in the trial of which are omitted the guaranteed safeguards of a treason trial, is to permit "cruel and unusual" punishment in violation of the Constitution.

### Reduced Sentence Asked

Judge Frank added that the Rosenbergs argued that the part of the Espionage Act authorizing the death sentence "is therefore unconstitutional; and accordingly, the trial judge should be directed to reduce the sentence."

"This argument, we think," Judge Frank said, "involves an unfounded assumption, i.e., that Congress will always authorize the death sentence for treason. Without that assumption the argument would compel the strange conclusion that, if Congress, in its discretion, authorized a maximum twenty-year penalty for treason, no greater punishment could be given for espionage, sedition or similar crimes without its becoming 'cruel and unusual.'"

As to the first argument propounded by the defense, Judge Frank said the court was bound by the law as interpreted by the Supreme Court in the case of the Nazi saboteurs who were landed on Long Island in World War II, captured and later executed after trial. The judge added:

"This ruling has been criticized. But this ruling binds inferior courts such as ours. In the Rosenberg case an essential element of treason, giving aid to the 'enemy,' is irrelevant to the espionage offense."

After the decision had been handed down Mr. Bloch asked Judge Chase to stay the court's mandate so that the case could be taken to the Supreme Court. Assistant United States Attorney James B. Kilsheimer 3d said the Government would answer this motion on Monday.

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Harrington

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## The Reds Fall Flat

COMMUNIST propaganda in this country has centered of late on the case of Julius and Ethel Rosenberg, convicted atom bomb spies, suggesting anti-Semitic motives in the case. The Reds have fallen very flat on their faces in this effort, and very hard.

Foremost among those who have refuted the Communist case is the Anti-Defamation League of B'nai B'rith, a Jewish organization which would be the first to detect and protest anti-Semitic motives in the matter if any existed. The official bulletin of the League urges all Americans to be on guard against Communist exploitation of the fraudulent racial issue in the Rosenberg case, saying:

"The Communists aren't interested in the Rosenbergs as Jews. They are not concerned with the

welfare of the Jewish community. They're yelling anti-Semitism for their own partisan advantage."

The Rosenbergs were not convicted because they were Jews, the organization points out, but because they had been bad Americans. Not many Americans even knew they were Jews, and in any event considered the fact irrelevant.

But the Communists have made it their ugly business to emphasize the point, although they are utterly indifferent to the fate of the Rosenbergs and to the welfare of Jews in general. What the Communists wanted to do was to stir up racial feelings in the case, and thus hurt America—the ultimate purpose of the Communists being to destroy America.

B'nai B'rith is performing a fine service to America, in its crusade against this evil purpose.

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*J A Harrington*

# The Lyons Den

By Leonard Lyons



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## BROADWAY GAZETTE

**HEALTH DEPT.:** During the Frank Costello trial Juror No. 12 asked to be excused because he was suffering from an irritating condition of the throat. Judge Sylvester Ryan sent for the juror, whose departure eventually would have meant a mistrial. The juror arrived in chambers smoking a big cigar. "If your throat is well enough for you to smoke a cigar," ruled Judge Ryan in denying the plea, "you're well enough to continue serving."

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## A-SPIES TURN TO TOP COURT IN BATTLE TO ESCAPE CHAIR

Ethel and Julius Rosenberg, convicted atom spies, turned to the nation's highest court today in their fight to avoid the death sentence for passing war-time secrets to Russia.

If the Supreme Court refuses to reverse their conviction the couple, barring Presidential intervention, will be executed in Sing Sing Prison as the first United States civilians ever sentenced to death for spying on their country.

The U. S. Circuit Court of Appeals yesterday turned down a

petition for a rehearing on the penalty imposed by Federal Judge Irving H. Kaufman last year and upheld by the Court of Appeals last Feb. 25.

Emmanuel H. Bloch, attorney for the husband-and-wife spy team, said he would take the case to the Supreme Court within 30 days.

In a separate decision, the court also denied a rehearing to Morton Sobel, convicted with the Rosenbergs. Sobel is serving a 30-year prison sentence.

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NY BROOKLYN EAGLE

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WASHINGTON FIELD OFFICE

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J. A. Harrington

# Rosenbergs Lose Again in Fight on Chair

Julius and Ethel Rosenberg have lost another round in their fight to stay out of the electric chair for stealing wartime atom-bomb secrets for the Russians.

The latest setback came yesterday when the U.S. Circuit Court of Appeals turned down their petition for a rehearing of its Feb. 25 ruling, upholding a federal espionage conviction.

## Supreme Court Next.

The decision was unanimous. Judge Jerome N. Frank wrote the court's opinion, concurred in by Judges Thomas W. Swan and Harris B. Chase.

The Rosenbergs must now turn to the United States Supreme Court. Emanuel H. Bloch, attorney for the couple, had announced previously that he would carry the case to the highest tribunal.

In a separate decision, with no opinion, the Appeals Court also denied a rehearing to Morton Sobell, convicted with the Rosenbergs and sentenced to 30 years.

## Concedes Debatable Issues.

Judge Frank conceded that in the court's opinion there were debatable questions of law involving the Rosenbergs' death sentence and urged the Supreme Court to decide the issues.

Rosenberg, 32-year-old electrical engineer, and his wife, 35, were found guilty with Sobell on March 29, 1951, on charges of conspiracy to commit espionage.

The couple, now lodged in the death house at Sing Sing, appealed the conviction on the grounds that "political ideas" had influenced the jury. They also charged the death sentence was cruel and unusual punishment, in violation of the Eighth Amendment to the Constitution.

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J. A. Harrington

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Emanuel Bloch, defense lawyer, said he would take the case to the highest court after the U. S. Circuit Court of Appeals here unanimously refused to rehear the case yesterday. The same court upheld the conviction Feb. 25.

Bloch asked the Circuit Court to stay its mandate pending his appeal to the Supreme Court. The government will reply Monday.

The lawyer reasoned that if the Rosenbergs had been indicted for giving aid to the enemy, the charge would have been treason instead of espionage and the trial judge should have instructed the jury on the two-witness rule.

Justice Frank wrote in his opinion that the court thought this argument "involves an unfounded assumption." However, he said there were debatable questions of law and he urged the U.S. Supreme Court to decide them.

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 TRAINING UNIT

## Rosenbergs In Pen a Year

Mrs. Ethel Rosenberg, 35, yesterday completed a year in Sing Sing — where she is awaiting death as a Red spy—and prison authorities figure that so far she has cost U. S. taxpayers \$9,486. Since there are ordinarily no matrons in Sing Sing, four have been hired to guard her. Appeals of their death sentences have been filed in U. S. Supreme Court by both Mrs. Rosenberg and her husband, Julius. Eventually the Federal Government will reimburse the state for their keep.

N.Y. NEWS  
 APR 12 1952

61-15386-A-477

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APR 14 1952	
FBI - NEW YORK	

*Harrington*



# It Happened Last Night

Groucho Finds Dish He Likes  
At Luncheon—But She's Married

By Earl Wilson

I wanted to introduce Groucho Marx to some New Orleans cooking.

"Fine," said Groucho. "I like a place where I can spit on the floor and also in the boss' eye."

We went to the Absinthe House on W. 48th St., named, of course, for the famous New Orleans bar. I introduced Groucho to the lovely Mrs. Mark Reuben, wife of the proprietor.

"Speaking of cooking, you're quite a dish," Groucho told her, waggling his eyebrows.

We ordered Shrimps Creole. They were enormous.

"Well how are they?" Mrs. Reuben said.

"They're kind of small," replied Groucho. "But I suppose that's why they call them shrimps."

"It's a great honor to have you with us," Mrs. Reuben said.

"If it's such a great honor, cut out the balderdash and pick up the check," advised Groucho.

I broke in to tell Mrs. Reuben she resembles Lauren Bacall.

"A lot of people say that," she admitted.

"You ought to be happy about it!" exclaimed Groucho. "Nobody's told me I look like Lauren Bacall and I've been here since Sunday."

Groucho began telling me he and Harry Ruby had written a song called, "In a Place Called Omaha, Nebraska, in the Foothills of Tennessee."

"I didn't know you had singing talent," I said.

"You just say that because you've heard me sing," he answered.

At this a man who'd been a resident of Omaha came over with the announcement that he's now with a big toothpaste company.

"Then why are my teeth falling out?" demanded Groucho.

"I'm just a man from Nebraska," the fellow said.

"It's an honor to meet a man from Nebraska. We didn't know there were any," Groucho said.

The man from Nebraska picked up Mrs. Reuben's hand.

"Is that part of the dinner—lady's fingers for dessert?" snapped Groucho.

When we got up to leave, Groucho turned to Proprietor Reuben.

"There's only one thing I want to say to you. I'm sorry you're married," he said.



GROUCHO

NY Post  
APR. 15, 1952

65-15348-A-480

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# The Midnight Earl . . .

INGO BERGMAN—recently very sick of low pressure and—denies she expects twins . . . The Pa coaxed Betty Hutton to stay longer.



**COSTELLO**

Frank Costello'll try to avoid jail, charging grand jurors included Mrs. Robert Blaikie, wife of his political enemy. (A new perjury indictment against him is "very strong.")

Lawrence Tibbett's in Roosevelt Hospital . . . Diosa Costello and Puppi Campo may forever sever . . . Mickey Mantle showed his bride the Seltzer Room at Max's Stage Delicatessen.

Milton Berle's mad at Joker Cara Williams. Leaving Lindy's, she told Millie's chauffeur to go on home. Wanting him later, Millie was livid.

Publisher S. I. Newhouse's son, S. I. Jr., makes him a grampaw . . . A big paper won't mention the Copa and Johnnie Ray. An editor got a seat behind a post . . . On the ledge's edge: Peter Gimbel and Martha Fulford.

Gussie Moran'll make a singing debut at Forest Hills Inn . . . Princess Christiana Torlonio slapped a wealthy male at El Morocco and he walloped her back. Wow-eee! . . . B'wayites gaped as friends curtsied to the Duke of Windsor when he came out of the Paramount Bldg. after a screening of "Carrie."

**TODAY'S KID STORY:** Slugger came home with this: "Yankee Doodle went to town, riding on a pony. He went into a barber shop, and came out with a pony."

**THE B'WAY STORY:** "South Pacific" star Martha Wright married her first agent, Teddy Baumfeld, then divorced him—both as spouse and mgr.—then Barron Polan took over as mgr. But Polan took Teddy in as associate. Now Teddy's helping agent ex-wife Martha. At some parties Martha insists that BOTH be her escorts.

Oliver Pilat's book, "The Atom Spies," sings the FBI . . . Gen. Batista has turned the other cheek to Former Cuban Pres. Grau San Martin, generously making him a free man although lesser officials had imprisoned him. Grau exiled Batista when situations were reversed.

**WISH I'D SAID THAT:** "The TV freeze is over—thawed out by Dagmar's low necklines"—Phil Foster.

**TAFFY TUTTLE** told Billy Ward that who-ever planned the world did a good job—put most of the trees out in the country . . . That's earl, brother.

## Earl's Pearls



Billy Reed mentions a playgirl who gets a great boot out of her beau—he kicks hell out of her regularly.

65-15348-A-480

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Harrington

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FILE 65-15348-A 1/21/53

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Serials	<u>481</u>		
Serials	<u>transferred to 65-15348-E-33</u>		
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FILE 65-15348-A

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Serials 482

Serials transferred to 65-15348-A-32

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## Spy's Wife Faints at Rally Heckling

A meeting in behalf of two convicted atom spies was broken up last night by an unidentified man whose sarcastic remarks led to the collapse of the principal speaker and a spectator.

It happened in the Hotel Genadeen, 271 Beach 19th St., Far Rockaway, where about 75 persons were attending a session sponsored by the Rockaway branch of the National Committee to Secure Justice in the Rosenberg Case.

### Sobell's Wife Is Speaker.

Julius Rosenberg, 32, and his wife, Ethel, 35, are in Sing Sing awaiting execution for conspiracy to commit espionage. They were members of a spy ring through which British scientist Klaus Fuchs got atomic information to Russia.

Morton Sobell, 34, also is in Sing Sing serving a 30-year sentence for the same offense. His wife was the principal speaker at last night's meeting.

### He Speaks, She Faints.

Mrs. Sobell referred to "unclean witnesses doing their tricks" at the trial, adding that "the judge is now waiting for the dead bodies of the Rosenbergs to use as a stepping stone." She said that was the way Hitler started—"by persecuting the Jews with Jewish judges."

After she finished, and some money had been collected, a well-dressed, middle-aged man arose and charged that "the whole thing is a stage show."

He wanted to know why the

committee had waited a whole year after the sentencing of the Rosenbergs before starting the movement for a new trial.

Mrs. Sobell fainted.

### Shouts, Collapses.

"Pay no attention to that!" the man shouted. "She'll always faint when something like this happens. She's a wonderful actress!"

Another man in the audience then got to his feet, cried "Oh, my God!" placed his hand to his heart and collapsed.

A third man fell over a chair in the excitement.

The man who had caused all this flurry hurried out of the room and ran down the street before anyone could learn who he was.

NY. WORLD TELEGRAM & SUN

APR 30 1952

65-15348-A4

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MAY 19 1952

**He Should Have Gone  
To the Talmud**

The EXAMINER has time and again editorially recorded its abhorrence of Communism. But we believe it is the great psychological blunder of our time to embrace fascism as a means of fighting Communism.

This Article is written in the faith that democracy is not dead in America and that only democracy can defeat communism.

By RABBI LOUIS D. GROSS

JULIUS ROSENBERG and his wife Ethel, residents of the East Side of New York and parents of two young children, were convicted some months ago of espionage and are now in the death house.

Recently the Circuit Court of Appeals affirmed the verdict against them.

After plowing through volumes of the evidence presented in this tragic case, I am not convinced beyond the shadow of a doubt that the Rosenbergs are guilty.

Of one thing I am sure. Had this trial been conducted at the time of, or shortly after, the alleged crime was committed in 1944-45 when the U. S. and Russia were allies, the result would have been different.

It is quite possible, and very disturbing, to feel that the hapless Rosenberg couple may have been victimized by the anti-Communist hysteria which has been sweeping this country with deadly effects.

65-15348-A-491

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MAY 15 1952	
FBI - NEW YORK	

C.C.B.

"Jewish Examiner"  
3-14-52  
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MAY 19 1952



# FOR FURTHER INFORMATION

WRITE TO:  
NATIONAL COMMITTEE TO  
SECURE JUSTICE IN THE  
ROSENBERG CASE

348 Fifth Avenue, N.Y. 1  
Murray Hill 5-2121

Significant  
In view of the obvious Jewish  
community of New York, it is sig-  
nificant that although, of course,  
I say because the prosecuting at-  
torney in the case, Irving Saypol,  
is himself a Jew, not one member  
of the jury was Jewish.  
The accused and the jurors in  
this case were David Greenglass,  
brother of Mrs. Julius Rosenberg,  
and his wife, Ruth. They were  
self-confessed spies. Mrs. Green-  
glass, an important witness  
against the Rosenbergs, was not  
even arrested. She got off scot-  
free. Her husband David, who ad-  
mitted he committed the actual  
theft of secret military informa-  
tion, and was the chief witness  
against his own sister and her hus-  
band, was sentenced to 15 years,  
which means that he will be free  
in seven or eight years. The Rosen-  
bergs, who pleaded innocent, were  
convicted and sentenced to death.

A Doubt  
It is not difficult to believe that  
a deal was made by the Green-  
glasses to have their own skins  
by implicating the Rosenbergs. This  
opinion is reinforced by the fact  
that a bitter quarrel had existed  
between David Greenglass and his  
brother-in-law, Julius Rosenberg,  
in the course of which the two  
almost came to blows.  
There is at least a reasonable  
doubt as to the guilt of the Rosen-  
bergs. The presiding Justice, Ir-

ving Kaufman, thought there was  
no reasonable doubt, and sen-  
tenced the Rosenbergs to death.  
A reading of the testimony  
tends to show as claimed by A.  
and Ethel Rosenberg, ATTOR-  
NEYS, that at times the judge con-  
fused and favored the Govern-  
ment's witnesses while he was  
hostile to the witnesses for the  
defense.  
The harsh sentence that he  
pronounced, however, is unprece-  
dented in the history of this coun-  
try. Never has the death penalty  
been imposed by a United States  
Court for espionage in the time of  
peace. Other convicted atomic  
spies in this country and England  
in recent years received compar-  
atively light penalties. Tokyo Rose,  
Axis Sally, and others guilty of  
treason were sentenced to a few  
years in prison.  
On the Spot  
Why did Judge Kaufman in this  
case impose the extreme penalty?  
Did he, being Jewish, feel that he  
was on the spot because he was  
dealing with Jewish defendants?  
Did he think that the death sen-  
tence against the Rosenbergs was  
necessary to counteract the Anti-  
Semitic charge of Communism  
against Jews in general?  
Apparently, the Jurist has not  
learned that Anti-Semitism has  
nothing to do with the truth. The  
fact that the vast majority of  
Jews are Anti-Communist, the fact

that it is impossible for a religious  
Jew to be sympathetic to the Red  
philosophy, makes not a particle  
of difference to anti-Semitism and  
the fascist.  
The evidence clearly shows that  
although the Rosenbergs were not  
charged with Communism, and  
that charge was not part of the  
indictment, the prosecution made  
strenuous attempts to pin that  
label on them. Although no legal  
proof was presented, there is no  
doubt that the taint of Commun-  
ism against the Rosenbergs was  
firmly fixed in the minds of the  
jurors.  
A Pretty Gesture  
According to the press, Judge  
Kaufman announced that, before  
passing sentence, he went to a  
synagogue to take counsel with  
his conscience and his God.  
That was a pretty gesture. But  
he should have gone to the Tai-  
mud. Had he done so, he would  
have learned something that  
might have been helpful in this  
case. He would have found that  
Jewish tradition has always been  
unalterably opposed to the death  
penalty, which was condemned as  
barbaric and inhuman. The op-  
position to capital punishment  
was as strong that, according to  
the Talmud, when the death sen-  
tence was pronounced by the San-  
hedrin, the Jewish Supreme Court  
once within a period of 70 years,  
the rabbis denounced the judges  
of the Court as "murderers". This  
refers to cases even when there  
was no reasonable doubt as to the  
guilt of the defendants. It is all  
the more applicable to the Rosen-  
berg case, in which there appears  
to be a reasonable doubt of guilt  
for the crime charged.

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# Charges Reds Stole 'Sky Platform'

By EDWARD O'NEILL

In a grim reminder of the efficiency of the Russian spy system, U.S. Attorney Myles J. Lane declared yesterday the sky platform, a fantastic electronic secret, was delivered into Red hands before even top U.S. officials learned of its development.

After quoting testimony from witnesses at the spy trials of Julius and Ethel Rosenberg and radar expert Morton Sobell, Lane told 500 men attending the communion breakfast of the 165th Infantry Regiment at the Hotel Statler:

"We are not concerned about the Communists we know about here at home, but we are concerned about those we don't know about. If they were able to learn the secrets of the atom bomb and the sky platform, then they may be able to infiltrate other places.

## 3,000 Miles Aloft.

"I have no doubt they are trying to infiltrate the army. They may be, and I think they are, attempting to get into every phase of life."

The platform, Lane told his military audience, is a weird space-conquerer which would be suspended 3,000 miles above the earth, held aloft by "using the laws of gravity and electronic devices."

He said the FBI first learned of the project in 1944 or 1945, following a check with the General Electric Co. He further described it as a missile capable of being guided from a control point.

## Explains Guiding Plan.

"Under the plan," Lane added, "if you should want to fire on a city such as Moscow, you would use the rotation of the earth in guiding the missile, then fire it at



Myles J. Lane  
Fears Red infiltration.

a given point so that it would descend."

Lane said the platform would be "capable of destroying the whole city" and that "it was possible, although its cost would be prohibitive."

Information on this weapon was quickly transmitted to the Red high command, Lane declared, in

warning his listeners to be alert against spy infiltration. He refused to comment on the present stage of development of the sky platform.

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JUN 2 1952  
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Harrington	

# OUR SPACE SECRET TAKEN TO RUSSIANS

Divulging of 'Sky Platform'  
Linked to the Rosenbergs  
by U. S. Attorney Lane

Warning of a continuing attempt by Communists to infiltrate all phases of American life, United States Attorney Myles J. Lane told a National Guard regiment yesterday at a communion breakfast that spies had given Soviet Russia some of our top secrets, including a project for a platform 3,000 miles in space.

The platform, said Mr. Lane, would be a captive missile which, held to the earth's orbit by the force of gravity but not revolving with the earth's rotation, could be used to set the course of guided missiles. He said that the Army had discussed it in 1941 or 1943 with engineers of the General Electric Company and that the project had been found scientifically possible but prohibitively costly.

## Known to the Rosenbergs

"Under the plan," Mr. Lane told members of the 165th Regiment at the Statler Hotel, "if you should want to fire on a city, such as Moscow, you would use the rotation of the earth in guiding the missile, then fire it at a given point so that it would descend. It would be capable of destroying the whole city."

Mr. Lane said the leakage of information about this project to Russia has been disclosed by former Army Sgt. David Greenglass, a confessed spy now serving fifteen years in prison.

Greenglass testified last year at the trial of his sister and brother-in-law, Ethel and Julius Rosenberg, that Julius Rosenberg, subsequently convicted as a spy for Russia, had told him in 1947 about this country's secret "sky platform project." The Rosenbergs are in Sing Sing Prison awaiting death in the electric chair.

The prosecutor said that leads followed by the Federal Bureau of

Investigation in the Rosenberg-Greenglass case "showed that the Russians knew about our sky platform even before some of our own top people knew about it."

Col. Martin H. Foery, commander of the regiment, and Msgr. Aloysius Dineen, pastor of Holy Innocents Roman Catholic Church, also spoke at the breakfast. The 500 communicants had attended mass at St. Stephen's Church.

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N. Y. NY TIMES

DATED JUN 2 1952

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NE, MONDAY, JUNE 2, 1952

## Lane Says Spies Gave Reds Data On Space Bases

He Attributes Information on Theft of U. S. Plans for Satellites to F. B. I.

Soviet Russia received classified information about United States studies relating to "sky platforms" or bases in space several thousand miles from the earth through spies "before some of our own top people knew about the project," Myles J. Lane, United States Attorney, charged yesterday.

Mr. Lane, speaking at the annual communion breakfast of the 165th Infantry Regiment of the New York National Guard, said that his information about Russian espionage on United States man-made satellites came from the Federal Bureau of Investigation. The breakfast was held at the Hotel Statler after the National Guardsmen had attended the 9 a. m. mass at St. Stephen's Church, 142 E. 29th St.

The sky platform project, Mr. Lane explained, would be of tremendous military value to any nation turning it from theory into reality, because it could be used to launch guided missiles. United States studies have indicated that the building of such space platforms is possible "although the cost would be prohibitive," he added.

No comment could be obtained yesterday from the New York office of the F. B. I. about Mr. Lane's remarks. In 1946 Gen. Curtis E. LeMay now head of the Strategic Air Command but then director of Air Force Research and Development, announced officially that the Air Force was undertaking a vast program which included ultimate development of "space vehicles, space bases and devices for use therein."

At the same time the Air Force research center, Wright-Patterson Field in Dayton, Ohio, disclosed that German scientists who actually had been at work on plans for building a "space base" for Hitler during World War II were in this country. Members of this group, according to the Air Force, included Dr. Rudolf Hermann, of the Peenemunde Experimental Station, where Germany's V-2 rockets were developed; Dr. Alexander Lippisch, designer of rocket-propelled fighters for the Luftwaffe, and Dr. Walter H. Dornberger, director of German guided missile experiments.

The Army subsequently revealed that Dr. Wernher von Braun, another member of the Peenemunde staff, was in the United States working for the Ordnance Corps. In an interview in March, Dr. von Braun described sky platforms as possible and "the ideal observation post." He added: "The crew of such a satellite could drop guided missiles right on the target."

The communion breakfast also was addressed by the Right Rev. Aloysius Dineen, pastor of Holy Innocents Church, and Col. Martin H. Foery, commander of the 169th Regiment. The Rev. Francis P. Maguire celebrated the mass at St. Stephen's Church, assisted by the Rev. John Mooney, regimental chaplain.

NEW YORK HERALD TRIBUNE

6/2/52

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He said the FBI first learned of the project in 1944 or 1945, following a check with the General Electric Co. He further described it as a missile capable of being guided from a control point.

Explains Guiding Plan.

"Under the plan," Lane added, "if you should want to fire on a city such as Moscow, you would use the rotation of the earth in guiding the missile, then fire it at



Myles J. Lane  
Fears Red infiltration.

a given point so that it would descend."

Lane said the platform would be "capable of destroying the whole city" and that "it was possible, although its cost would be prohibitive."

Information on this weapon was quickly transmitted to the Red high command, Lane declared, in

warning his listeners to be alert against spy infiltration. He refused to comment on the present stage of development of the sky platform.

65-15348-A-454A

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JUN 3 1952	
FBI - NEW YORK	

NEW YORK DAILY NEWS  
6/2/52

# OUR SPACE SECRET TAKEN TO RUSSIANS

Divulging of 'Sky Platform'  
Linked to the Rosenbergs  
by U. S. Attorney Lane

Warning of a continuing attempt by Communists to infiltrate all phases of American life, United States Attorney Myles J. Lane told a National Guard regiment yesterday at a communion breakfast that spies had given Soviet Russia some of our top secrets, including a project for a platform 3,000 miles in space.

The platform, said Mr. Lane, would be a captive missile which, held to the earth's orbit by the force of gravity but not revolving with the earth's rotation, could be used to set the course of guided missiles. He said that the Army had discussed it in 1944 or 1945 with engineers of the General Electric Company and that the project had been found scientifically possible but prohibitively costly.

Known to the Rosenbergs

"Under the plan," Mr. Lane told members of the 165th Regiment at the Statler Hotel, "if you should want to fire on a city, such as Moscow, you would use the rotation of the earth in guiding the missile, then fire it at a given point so that it would descend. It would be capable of destroying the whole city."

Mr. Lane said the leakage of information about this project to Russia has been disclosed by former Army Sgt. David Greenglass, a confessed spy now serving fifteen years in prison.

Greenglass testified last year at the trial of his sister and brother-in-law, Ethel and Julius Rosenberg, that Julius Rosenberg, subsequently convicted as a spy for Russia, had told him in 1947 about this country's secret "sky platform" project. The Rosenbergs are in Sing Sing Prison awaiting death in the electric chair.

The prosecutor said that leads followed by the Federal Bureau of

Investigation in the Rosenberg Greenglass case "showed that the Russians knew about our sky platform even before some of our own top people knew about it." Col. Martin H. Foery, commander of the regiment, and Magr. Aloysius Dineen, pastor of Holy Innocents Roman Catholic Church, also spoke at the breakfast. The 500 communicants had attended mass at St. Stephen's Church.

65-15348-A-4941

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NEW YORK TIMES  
6/2/52

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# 15 Months in Death House, Woman Spy Costs \$12,300

Special to The New York Times  
ROSSINING, N. Y., July 16 —  
Mrs. Ethel Rosenberg, 36-year-  
old convicted atom bomb spy,  
has just completed a year and  
one-quarter in the death house  
at Sing Sing and it has cost  
\$12,300 to keep her there.

Because of her sex, she is the  
most expensive prisoner ever  
kept in the death house. The  
state will bill the Federal Gov-  
ernment for the salaries of four  
matrons, \$11,850, and for \$450  
for food, medical supplies and  
incidentals.

Mrs. Rosenberg's husband, Ju-  
lius, 34, is in the male wing of  
the death house. Both are ap-  
pealing their death sentences to  
the United States Supreme Court.

65-15348 A-562

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JUL 17 1952	
FBI - NEW YORK	
<i>Harrington</i>	

CLIPPING FROM THE

N. Y. TIMES  
DATE JUL 17 1952

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FILE 65-15348-A

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# Broadway

By DANTON WALKER

## The Frantic Fifties

The Asiatic group will bring the stalled Korean truce negotiations before the UN General Assembly when it convenes here Oct. 14. . . . The biggest Commie Party purge in 13 years due in Moscow Oct. 5. . . . Announcement of a Yugoslav-Greek-Turkish military pact, aimed at containing Russia, due shortly. . . . Nobody has yet succeeded in explaining the feud between HST and Alabama's Senator John Sparkman, No. 2 man on the Democratic ticket. . . . Mob money moving into Delaware to help defeat crime crusading Senator John J. Williams (Rep.). . . . Former Secretary of the Army Kenneth Royall to stump for Ike in his native state of North Carolina. . . . Six more U.S. attorneys due to get the ax for indulging in "outside activities." . . . Convicted A-bomb spies Mr. and Mrs. Rosenberg to know their fate within the month, with a U.S. Supreme Court decision.

Father Divine has purchased a Philadelphia mansion for \$10,000 which originally cost \$500,000, with the plan of converting it into a hotel. . . . Attorney Nina Rao Cameron, daughter of Customs Judge Paul Rao, was sworn in last week on the staff of Immigration and Naturalization Service of the Department of Justice. . . . An Ebbe's Field usher's 1951 income tax return listed \$1,200 in tips. . . . A big dress manufacturing concern is the front for one of the town's busiest bookies. . . . The Maharance of Cooch-Behar (Nancy Valentine) collecting unemployment insurance in Hollywood. . . . Chris Kilmer, son of famed poet Joyce ("Trees") Kilmer, now a gentleman farmer in New Jersey. . . . Lone Robinson, one of this country's noted artists, about to sling a lawsuit that will rock social circles on both sides of the Atlantic. . . . Alvin Cooke's new radio program, commenting on the habits and morals of modern day America, due for sponsorship shortly.

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NY NEWS

N. Y.

SEP 22 1952

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65-15348-A 548

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## Highest Court Set to Resume

WASHINGTON, Oct. 4 (UP).—The Supreme Court begins its 163d term on Monday, with racial segregation in Southern public schools the top issue facing it. The term ends in June. Arguments on the segregation question are scheduled for Oct. 15, but a ruling before the November elections is unlikely. Monday's session is a formality only. About 10 minutes usually is needed for admitting attorneys to the bar. Then the Justices withdraw to consider appeals that have piled up during the summer. Many cases deal with national security in various aspects. The condemned atomic spies, Julius and Ethel Rosenberg, convicted of conspiring to relay atom bomb details to Russia, have appealed to the high bench, as has their co-conspirator, Morton Sobell.

NY JOURNAL AMERICAN  
OCT 5 1952

65-15348-A-569

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OCT 8 1952	
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TRAINING UNIT

## Asks Review For A-Spies

Counsel for convicted atom spies Julius Rosenberg and his wife, Ethel, denied a hearing by the United States Supreme Court today, said a rehearing on a petition for a writ of review would be sought before the Supreme Court.

The Rosenbergs were sentenced to death, for conspiracy to reveal wartime secrets of the atom bomb to Soviet Russia.

Emanuel H. Bloch, of 279 Broadway, who, with his father, Alexander Bloch, represent the couple, said today:

"I intend to take every available process known to law to vindicate the Rosenbergs."

NY JOURNAL AMERICAN  
OCT 13 1952

65 15348-A-574

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TRAINING UNIT

# Supreme Court Ruling Dooms Rosenbergs

Won't Hear Case; N.Y.  
Pair in Death House

By the United Press.

WASHINGTON, Oct. 13.—  
The Supreme Court today  
doomed Julius and Ethel  
Rosenberg, convicted atomic  
spies awaiting execution in  
the Sing Sing prison electric  
chair.

The tribunal rejected their ap-  
peals and that of their accomplice,  
Morton Sobell, sentenced to 30  
years.

Barring the unlikely possibility  
of reconsideration by the courts or  
Presidential intervention, the ac-  
tion leaves New York State free  
to carry out the death sentence  
against the Rosenbergs.

## Fed Fuchs Ring.

They were convicted in Federal  
District Court in New York City  
March 29, 1951, on charges of vio-  
lating the 1917 wartime Espionage  
law by relaying atomic bomb sec-

Other Supreme Court action  
on Page 6.

rets to a Russian spy ring which  
included convicted British scientist  
Klaus Fuchs.

CLIPPING FROM THE  
N. Y. WORLD TELEGRAM & SUN

DATED OCT 13 1952

FORWARDED BY N. Y. DIVISION

65-15346 P 576

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OCT 15 1952	
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*[Signature]*

As soon as the high court's order reaches the district court—perhaps in a week—the government will go into the lower court and ask it to set a new execution date.

The Rosenbergs have been in Sing Sing's death house for 18 months. Also awaiting death as a traitor is Tomopya Kawakita, American-born Japanese, whose treason conviction was upheld by the Supreme Court last June 2. Kawakita, now confined in Los Angeles county jail, was convicted of inhuman treatment of U.S. prisoners of war.

#### Refuses to Reconsider.

The court also refused today to reconsider its decision last June which upheld Kawakita's conviction. The government now is free to carry out the death sentence against him.

In their appeal, the Rosenbergs contended among other things that the Espionage Act under which they were convicted is so vague as to deprive them of their constitutional rights. They said the indictment was faulty and that the conduct of the prosecutor and the judge denied them a fair trial.

The Rosenbergs could ask the Supreme Court to reconsider; or they might file a habeas corpus action in New York federal court. These customary last-ditch legal maneuvers are seldom successful.

#### Could Appeal to Truman.

Otherwise their only remaining avenue of appeal is a petition to President Truman for executive clemency.

(In New York City, Emanuel H. Bloch, counsel for the Rosenbergs, said he would apply to the Supreme Court for a rehearing on his petition for review "and take

Continued on Page Two

# Supreme Court Dooms Atomic-Spy Couple

*Continued From Page One*

every other available process known to law to vindicate the Rosenbergs.")

Evidence at the Rosenbergs' 15-day trial showed they had relayed atomic bomb secrets from the Los Alamos project in New Mexico to the Soviet Union. The espionage conspiracy existed during World War II and some years thereafter, it was brought out.

## **Not So Deeply Involved.**

The sentences were imposed on the Rosenbergs and Sobell by Federal Judge Irving R. Kaufman April 4, 1951. The law makes a wartime violation of the Espionage Act punishable by death or imprisonment for not more than 30 years.

Rosenberg, an electrical engineer, is 33; his wife, 36. They have two young sons.

Sobell, 35, an electronics expert and father of two children, drew 30 years instead of the death penalty because he was not involved in the conspiracy so deeply. Testimony showed he supplied Rosenberg with military information to

transmit to Russia. Before the trial he fled to Mexico but was caught by Mexican police and deported.

## **Brother a Witness.**

Key government witnesses at the trial were Mrs. Rosenberg's brother—David Greenglass—and his buxom wife, Ruth. Greenglass, a 29-year-old Army technical sergeant, had been working at Los Alamos in 1944 as a machinist. He and his wife siphoned information to the Rosenbergs, it was brought out. He was able to sketch on paper a cross-section of an assembled bomb like the one dropped on Nagasaki near the end of the war.

Greenglass was indicted as a co-defendant but pleaded guilty and was not tried. He later received a 15-year sentence. Ruth Greenglass was named a co-conspirator but not a defendant.

Another government witness, Harry Gold, had been sentenced in Philadelphia to 30 years in prison after he confessed a part in the same spy scheme. Arrested in May, 1950, Gold testified he acted as a courier between Greenglass and another defendant, Anatoli Yakovlev, who was employed in the Soviet consulate in New York. Yakovlev, a Soviet national, fled to Russia in 1946.



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# 2 New York Atom Spies

## Must Die

### As Supreme Court

### Refuses Hearing

65-15346-A-577

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OCT 15 1952	
FBI - NEW YORK	

*[Signature]*

Washington, Oct. 13—The Supreme Court today doomed Julius and Ethel Rosenberg, the convicted atom spies, by denying them a hearing.

Their attorney said in New York that he would ask for a re-hearing of their petition for a review of the case, but if that failed only a commutation of their sentence by President Truman could save them from the Sing Sing electric chair.

Only Justice Black voted for a hearing, with eight other justices opposed. By the same vote the nation's highest court denied a hearing to Morton Sobell, a radar expert who was convicted with the Rosenbergs in their trial in New York City and sentenced to 30 years in prison.

The Rosenbergs were sentenced to death on April 5, 1951, by Federal Judge Irving R. Kaufman, who said their crime of stealing A-bomb secrets for the Soviet Union was worse than murder.

"I believe that your conduct in putting into the hands of the Russians the A-bomb before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea, with resultant casualties exceeding 50,000 Americans," he said as he passed sentence on them. "And who knows but what millions more of innocent people may pay the price of your treason."

One of the principal witnesses against the Rosenbergs was Mrs. Rosenberg's brother, David Greenglass, who testified he gave them and the Soviet spy courier Harry Gold, drawings of the A-bomb's detonating device and other information he gathered while he was in the Army and was a machinist at Los Alamos.

**Upheld by N. Y. Court**

Greenglass, who pleaded guilty to espionage conspiracy, was sentenced to 15 years.

**The death sentence of the Ro-**

senbergs and the conviction of Sobell were upheld by the U. S. Circuit Court in New York last Feb. 25.

In appealing to the Supreme Court, the Rosenbergs attacked the constitutionality of sections of the espionage law, charged that the conduct of Judge Kaufman and the prosecution deprived them of a fair trial and called the death sentence "cruel and unusual punishment."

The Rosenbergs have been in the Sing Sing death house since their conviction and as soon as the Supreme Court's order reaches the New York District Court, perhaps in a week, the government will ask the district court to set a new execution date.

The death sentence imposed on the Rosenbergs is believed to be the first ever imposed in peacetime by a U. S. civilian court for espionage.

**Lawyer to Continue Fight**

Emanuel H. Bloch of 270 Broadway, who with his father, Alexander Bloch, represented the Rosenbergs, said after learning



**JULIUS ROSENBERG**

of the Supreme Court's rejection of their appeal:

"I intend to apply for reargument and take every other available process known to law to vindicate the Rosenbergs."

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# Supreme Court Denies Rosenbergs' Appeal

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N.Y. N.Y. JOURNAL AMERICAN  
OCT 13 1952

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67-15348-1178

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FBI - NEW YORK	

## Couple's Chief Hope Now Is President's Clemency

WASHINGTON, Oct. 13 (UP).—The Supreme Court today doomed Julius and Ethel Rosenberg, convicted atomic spies awaiting execution in the Sing Sing electric chair.

The tribunal rejected their appeals and that of their accomplice, Morton Sobell, who was sentenced to 30 years in prison.

Barring the unlikely possibility of last-ditch reconsideration by the courts or Presidential intervention, the action leaves New York State free to carry out the death sentence against the Rosenbergs.

They were convicted in New York Federal District Court March 29, 1951, on charges of violating the 1917 wartime espionage law by relaying atomic bomb secrets to a Russian spy ring which included convicted British scientist Klaus Fuchs.

As soon as the High Court's order reaches the Federal District Court—perhaps in a week—the Federal Government will go into the lower court and ask it to set a new execution date.

The Rosenbergs have been in Sing Sing's death house for 18 months.

## Jap Traitor Waits Death

Also awaiting death as a traitor is Tomoya Kawakita, American-born Japanese, whose treason conviction was upheld by the Supreme Court last June 2.

The court also refused today to reconsider its decision of last June which upheld Kawakita's conviction. The Government now is free to carry out the death sentence against Kawakita.

Kawakita, now confined in Los Angeles County Jail, was convicted of inhuman treatment of U. S. prisoners of war.

Rosenberg and his wife could ask the Supreme Court to reconsider; or they might file a habeas corpus action in New York Federal Court. These customary last-ditch legal maneuvers are seldom successful.

Otherwise their only remaining avenue of appeal is a petition to President Truman for executive clemency.

Evidence at the Rosenbergs' 15-day trial showed they had relayed atomic bomb secrets from the Los Alamos project in New Mexico to the Soviet Union. The espionage conspiracy existed during World War II and some years thereafter, it was brought out.

The sentences were imposed on the Rosenbergs and Sobell by Federal Judge Irving R. Kaufman in New York City on April 4, 1951. The law makes a wartime violation of the



Atom Spies to Ask Review:

# U.S. Supreme Court Dooms Rosenbergs

*Continued from First Page*

Espionage Act punishable by death or imprisonment for not more than 30 years.

Rosenberg, an electrical engineer, is 33; his wife, 36. They have two young sons.

Sobell, 35, an electronics expert and father of two children, drew 30 years instead of the death penalty because he was not involved in the conspiracy so deeply.

Testimony showed he supplied Rosenberg with military information to transmit to Russia.

Before the trial he fled to Mexico but was caught by Mexican police and deported.

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He and his wife siphoned

information to the Rosenbergs, it was brought out. He was able to sketch on paper a cross-section of an assembled bomb like the one dropped on Nagasaki, Japan, near the end of the war.

Greenglass was indicted as a co-defendant but pleaded guilty and was not tried. He later received a 15-year sentence. Ruth Greenglass was named a co-conspirator but not a defendant.

Another Government witness, Harry Gold, had been sentenced in Philadelphia to 30 years in prison after he confessed a part in the same spy scheme.

Arrested in May, 1950, Gold testified he acted as a courier between Greenglass and another defendant, Anatoli Yakovlev, who was employed in the Soviet Consulate in New York. Yakovlev, a Soviet national, fled to Russia in 1948.

In their appeal, the Rosenbergs contended among other things that the Espionage Act under which they were convicted is so vague as to deprive them of their Constitutional rights.

They said the indictment was faulty and that the conduct of the prosecutor and the judge denied them a fair trial.

The Supreme Court's rejection of the couple's appeal was announced in a brief order, which noted that Justice Black favored a hearing. The court's vote was 8-1.

The death sentence given the Rosenbergs has been described as the first ever imposed in peace time by a civilian court in this country for espionage.

Judge Irving R. Kaufman in passing sentence in the U. S. District Court in New York City, told the Rosenbergs their crime was worse than murder. He said:

LED TO KOREA WAR.  
"I believe that your conduct in putting into the hands of the Russians the A-bomb before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea, with resultant casualties exceeding 50,000 Americans.

"And who knows but what millions more of innocent people may pay the price of your treason."

Kaufman condemned the pair April 5, 1951. The U. S. Circuit Court in New York upheld the death sentence—and the Sobell prison sentence—Feb. 25, 1952.



**TURNED DOWN . . .** Handcuffed Julius Rosenberg and his wife, Ethel, were denied a hearing today by the Supreme

Court. They have been sentenced to die for giving away American A-bomb secrets to Russia.

*International News Photo*

# The Rosenberg Case

By TED O. THACKREY  
Editor and Publisher

I think it is a great misfortune that the Supreme Court failed to accept the Rosenberg case for review. I think it is a sign of the times—and an unhappy one—that only one justice (Justice Black) was willing to hear the case and determine whether the facts of law justified a remand for retrial.

It is my understanding that attorneys for the two convicted atomic spies, Mrs. Ethel Rosenberg and her husband, Julius, will make another effort to gain judicial review by our highest court, and I trust it will be successful.

I am not an ardent partisan of the movement to free the Rosenbergs.

I believe they were probably guilty of engaging in espionage in connection with the transmission of data concerning basic formulae for the release of atomic energy, though how secret this information was in fact to the world of science, or how useful to a potential enemy, is a point on which I remain skeptical.

No country can encourage, or tolerate, espionage, whether in peacetime or in wartime, and it is reasonable to me that punishment should be certain, prompt, and in proportion to the crime. Believing the Rosenbergs guilty of engaging in espionage, I cannot support a movement to free them from punishment.

But the Rosenbergs have been sentenced to death.

Their co-conspirators—who by all the testimony against the Rosenbergs were even more important members of the conspiracy—were rewarded by moderate sentences, or none; one of the key conspirators was freed completely! This is a presumptive reward for helping convict the Rosenbergs . . . but the plotters and the key agents—one a sergeant in the United States Army—were given, by comparison, a slap on the wrist or no punishment at all, while the two who were a part of the communication system get the death sentence! This smacks more of angry vengeance than justice.

A thorough examination of the trial record—which I can assure you takes weeks rather than hours—reveals other considerations which cry out for re-examination by the Supreme Court, and by all of us.

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Emphasis in the trial record and in the prosecution's case is not on the stated crime (of which I believe the prisoners guilty) but on the nature of their political and ideological commitments. They were tried primarily on the charge of being Communists; and it seems to me that the judge's charge to the jury emphasized to the point of hysteria the presumption of the Communist affiliations of the Rosenbergs rather than the exact nature of the acts committed by them in contravention of the law; and I believe the death penalty as well as the verdict of guilty derived from hostility of the court and jury toward the very idea of communism; and that if it were not for fear of being somehow identified with an affection for the political beliefs of the Rosenbergs, there would have been a gigantic public outcry against the death sentence, cutting across political and economic lines.

I believe deeply that people should be punished for ACTS, but that ideas may be confronted successfully ONLY by conflicting, and superior, ideas.

I believe the Rosenbergs should pay the consequence of a prison sentence for their acts; I do not believe they should be deprived of their lives for the ideas they held (or MAY have held, since the evidence on this point is by no means conclusive!) and I believe we lower our standards of democratic justice if the death penalty should be permitted to stand.

I believe that if the Supreme Court can be induced to examine the record, it will be clear to a majority of the justices that the court and the jury were swayed by a determination to strike out at the Rosenbergs as symbols not simply of espionage—which requires punishment—but of communism, which cannot in my judgment be inhibited by detention or even by the hangman's noose; that a retrial in an atmosphere free of vengeful motivation is essential. If that should fail, I believe the cause of freedom and democracy will be better served by a commutation of the death sentence than by the martyrization of the Rosenbergs through a double execution.



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SEC. 1

# High Court Denies Review, Dooms the Rosenbergs

By NANCY SHANNON

COMPASS Washington Bureau

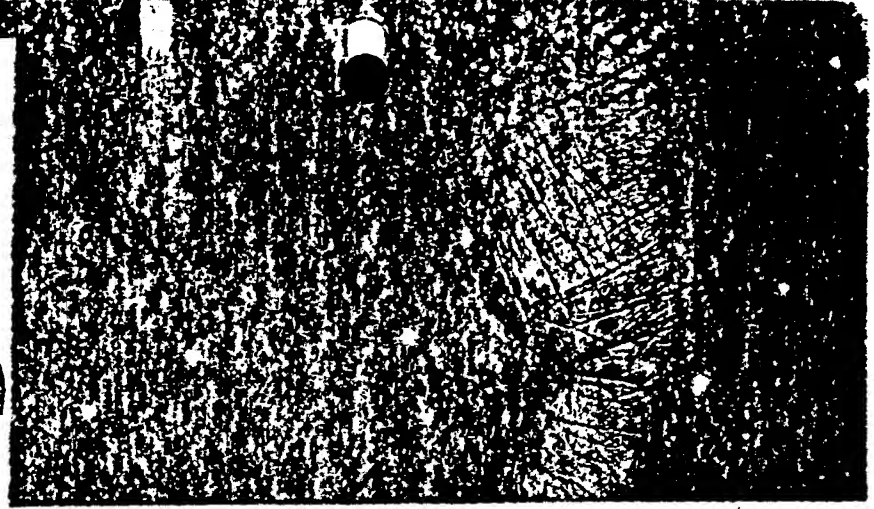
**THE LATEST NEWS:** Washington, Oct. 13—The Supreme Court today refused to review the conviction of Ethel and Julius Rosenberg, who were sentenced to death after being found guilty of conspiracy to commit espionage in behalf of the Soviet Union.

The court, 8-1, rejected their appeal for a hearing. Justice Hugo Black cast the sole dissenting vote. When the court's mandate reaches the U. S. District Court in New York, a new date will be set, probably within 30 days, for execution of the death sentence, which will be carried out by state authorities.

From the death cell in Sing Sing where they have been held since their conviction in April, 1951, the couple issued a statement through their attorney, Emanuel H. Bloch, again asserting their innocence of the atom-espionage charge and expressing the hope that the American people "will save us and ourselves from this conspiracy to put to death innocent Americans."

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NY COMPASS  
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**JULIUS ROSENBERG**

Bloch said he would ask the Supreme Court for a rehearing on his application for review and would "take every other available process known to law to vindicate the Rosenbergs."

The court also refused to review the conviction of Morton Sobell, who was tried with the Rosenbergs and sentenced to 30 years' imprisonment for involvement in the same espionage ring.

Rosenberg, an electrical engineer, is 33; his wife is 36. They have two young sons.

They were convicted after a 15-day trial on evidence supplied almost exclusively by David Greenglass, Ethel's brother, and his wife, Ruth. Greenglass was an Army machinist at the Los Alamos, N. M., atomic project and testified that he transmitted information on the A-bomb to Russia through the Rosenbergs. Greenglass pleaded guilty to the spy charge and received a 15-year sentence; Ruth, who was named as a co-conspirator, was not named as a defendant and was never brought to trial.

In their statement, the Rosenbergs said:

"We do not want to die. We are young and yearn for a long life of accomplishment. Yet if the only alternative to death is the purchase of life at the cost of

personal dignity and abandonment of the struggle for democracy and ethical standards, there is no future for us or any legacy we can leave our children. For what is life without the right to live it? Death holds no horror as great as the horror of a sterile existence devoid of social responsibility and the courage of one's convictions.

"Our pleas to the Supreme Court have been restricted by legal protocol but before the bar of public opinion we cannot reassert often or emphatically enough our complete innocence of the charge. One matter should be made unequivocally clear. No matter what the result we will continue in our determination to expose the political frameup perpetrated against us by those who would silence by death through spurious espionage accusations opposition to the conspiracy to impose war and a police state at home."

The National Committee to Secure Justice in the Rosenberg Case, of which writer Joseph Brainin is chairman and whose membership includes Robert Morss Lovett, Waldo Frank, Dr. Katherine Dodd, B. Z. Goldberg, and others called for a "supreme effort" to save their lives "by public and private appeal to President Truman to exercise executive clemency" and to instruct the Attorney General to con-

sent to a Supreme Court review of the case.

The Committee announced a series of public meetings beginning tomorrow at Philadelphia's Town Hall and including meetings in Brooklyn, Oct. 22; Manhattan, Oct. 23; Teaneck, N. J., Oct. 28; Cleveland, Nov. 8; Boston, Nov. 9, and The Bronx, Nov. 19. The committee also announced an outdoor rally in Union Square on Oct. 29.

Pleas for efforts to save the Rosenbergs were made also by the Civil Rights Congress and Progressive Party Presidential candidate Vincent Hallinan.

## **BEHIND THE NEWS**

### **Judge or President Can Alter Sentence**

Barring reconsideration by the Supreme Court, the question of whether the Rosenbergs will be executed will be up to two persons:

One is Irving Kaufman, the trial judge who imposed the death sentence described as "too horrible" and "too cruel" by the anti-Communist Jewish Daily Forward. He has the power to reduce the sentence.

The other is President Truman, who as Chief Executive is empowered to exercise clemency.

If neither acts, it will be the first time in U. S. history that conviction on an espionage charge brought execution at the hands of a civilian court in peacetime.

It will also mark the first execution of anyone involved in the American, English and Canadian atom spy cases. Dr. Klaus Fuchs received 14 years; Harry Gold got 30 years. The maximum sentence in any other case was 30 years, the minimum six months.

The Joint House-Senate Committee on Atomic Energy, in a report issued after the Rosenbergs' trial entitled "Soviet Atomic Espionage," labeled Fuchs, Greenglass and two others as the most important members of the ring and relegated the Rosenbergs to the minor role of "couriers."

However, Kaufman predicated the death sentence on his con-

(Continued on Page 14)

## Supreme Court, 8-1, Dooms Rosenbergs

(Continued from Page 4)

trary estimate that the Rosenbergs were "prime movers" in the ring.

The Rosenbergs were the only defendants in U. S. spy cases who could be linked, however remotely, with the U. S. Communist Party and other left-wing movements. They were not accused directly of being Communists, but Kaufman allowed as evidence of their motivation an old Spanish Refugee Appeal collection can found in their apartment, and Ethel's signature on a 1941 nominating petition for the late Communist Councilman Peter V. Cacchione. He also permitted Elizabeth Bentley to testify that the Communist Party "only served the interests of Moscow, whether it be propaganda, espionage or sabotage."

The conviction came after uncorroborated testimony of Greenglass, who also faced a death sentence, but received 15 years in return for his services to the government.

Not the least of the trial's mysteries was the high point of Greenglass' testimony—the sketch he drew for the jury purporting to show the A-bomb secrets which he said he transmitted to the Soviets through the Rosenbergs.

This sketch may have impressed a jury of laymen, but the Scientific American, an authoritative magazine, found it "not much of a secret." The science editor of Life said it "appears illogical, if not downright unworkable." Time said some of Greenglass' testimony "made little scientific sense."

These views, coupled with overwhelming scientific evidence that there have been no secrets about atomic bombs since 1940 which the Soviets did not have—not even about A-bomb manufacture, according to the Atomic Energy Commission—contrast with Kaufman's conclusion, in rendering sentence, that the Rosenbergs put "into the hands of the Russians the A-bomb."

# Highest Court Spurns Appeal By Atom Spies

From THE NEWS EDITION

Washington, D. C., Oct. 13. —The Supreme Court today turned down the appeals of Julius and Ethel Rosenberg, sentenced to death for passing on A-bomb secrets to Russia, and Morton Sobel, their accomplice who got 30 years.

Barring Presidential intervention or some last-ditch reconsideration by the courts, the Rosenbergs will



Julius  
Rosenberg



Ethel  
Rosenberg

go to the electric chair in Sing Sing and will be the first Americans to die under the Espionage Act. Emanuel H. Block, their attorney, said he would use "every available" legal process to "vindicate the Rosenbergs." He said he planned to move for a reargument before the Supreme Court within 15 days and also would seek a stay of execution.

The Federal Government will go into a lower Federal Court and ask it to set an execution date as soon as it receives the high court's formal rejection of the appeal.

The Supreme Court also refused to reconsider its decision June 2 to uphold the treason conviction of Tomoya Kawakita, American-born Japanese, for his brutal treatment of American war prisoners on Honshu Island during World War II.

The Rosenbergs were convicted in New York Federal District Court on March 21, 1951, on charges of violating the 1917 War-time Espionage Act by working with a Soviet atom spy ring during and after World War II.

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OCT 14 1952

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# 2 Atom Spies Doomed By High Court Ruling

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WASHINGTON, Oct. 13 (AP)—The Supreme Court today denied a hearing to atom spies Julius and Ethel Rosenberg, the husband and wife sentenced to die for giving American A-bomb secrets to Russia.

The denial lets stand unchanged the conviction and death sentence of the New York City couple—and puts them another step closer to execution in the electric chair in Sing Sing prison. Only a commutation of their sentence by the President can save them now.

The high court's rejection of the couple's appeal was announced in a brief order, which noted that Justice Black favored a hearing. The Court's vote thus was 8-1.

It also denied a hearing to Morton Sobell, a radar expert



Convicted atom spies Julius (right) and Ethel Rosenberg, shown with deputy U. S. marshal, lost appeal from death sentences when Supreme Court refused to review their case yesterday.

convicted with the Rosenbergs. He escaped the death penalty, but got a maximum sentence of 30 years in prison.

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Mrs. Rosenberg's brother, David Greenglass, testified for the government and helped send his sister and brother-in-law to the death house. Greenglass got a 15-year sentence for his confessed part in the spy plot. No appeal was filed in his case.

The death sentence given the Rosenbergs has been described as the first ever imposed in peacetime by a civilian court in this country for espionage.

In New York, the Rosenbergs' attorney, Emanuel H. Bloch, said:

"We intend to apply for reargument and take every other available process known to law to vindicate the Rosenbergs."

Among other cases, the high tribunal: (1) agreed on constitutionality of the new Federal law requiring gamblers to buy a \$50 tax stamp. U. S. District Judge George A. Welsh in Philadelphia had held the law an invalid infringement on state police power.

(2) Denied Louis Weber, New York numbers racketeer, a review of his conviction for lying to the Senate Crime Investigating Committee. Weber was sentenced in Federal Court in New York to five years in prison and \$2,000 fine for telling the committee he did not know James J. Moran, close friend of former New York Mayor William O'Dwyer.

(3) Granted a hearing to three New York City residents sentenced to death for the killing of a messenger during a holdup of a Readers Digest money truck.

The condemned men are Harry A. Stein, Nathan Wissner and Calman Cooper. The holdup occurred April 3, 1950, on a road leading from the Readers Digest plant at Chappaqua, N. Y. Andrew Petrini, the messenger on the truck, was shot through the head.

# Supreme Court Dooms Rosenbergs to Death as Atom Spies for Russia

*Supreme Court Rejects Their Plea*



*James Kavanagh*

Ethel and Julius Rosenberg at the time of their sentencing

## Last Fight to Save Couple Is Planned

### 30-Year Term Stays for Accomplice of 2 Linked to Fuchs Ring at Trial

By Raymond J. Blair.

WASHINGTON, Oct. 13.—The Supreme Court, by an 8-to-1 vote, today denied a hearing to Julius and Ethel Rosenberg, convicted atomic spies sentenced to die in the Sing Sing prison electric chair.

The action, taken at the court's first business session of the new fall term, with Associate Justice Hugo L. Black dissenting, means that the husband and wife will be executed unless, as is unlikely, the court should reconsider or President Truman should intervene.

The high court, with Justice Black again dissenting in another 8-to-1 vote, also decided to deny a hearing to Morton Sobell, a radar expert convicted with the Rosenbergs of being part of a spy ring which transmitted atomic secrets to Russia. Sobell was not linked to the actual theft of atomic data and thus escaped the death penalty. He got a maximum sentence of thirty years in prison.

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*J. Harrington*  
*8th Fl.*

N.Y. HERALD TRIBUNE

OCT 14 1952

#### **To Seek Reargument**

In New York, Emanuel H. Bloch, the Rosenbergs' attorney, said he planned to use "every available" legal process to "vindicate the Rosenbergs." He said he would move for a reargument before the Supreme Court within fifteen days and would also seek a stay of the execution.

The Rosenbergs and Sobell, whose trial was the first in United States history for atomic espionage, were found guilty on March 29, 1951 in New York Federal District Court. They were sentenced April 5 of the same year by Judge Irving R. Kaufman, who told the Rosenbergs their crime was worse than murder.

#### **"Price of Treason"**

Judge Kaufman said their action in putting into Russian hands the secret of the atomic bomb—before America's best scientists predicted Russia would perfect the bomb—had caused the Communist aggression in Korea with its resultant American casualties. "And who knows but what millions more of innocent people may pay the price of your treason," he said.

The United States Circuit Court of Appeals, on Feb. 25, upheld the Rosenbergs' death sentence and Sobell's prison sentence.

The Rosenbergs' appeal contended among other things that the 1917 Espionage act, under which they were convicted, was so vague as to deprive them of

*(Continued on page 38, column 5)*



# Rosenbergs

(Continued from page one)

their Constitutional rights. It said also that the indictment was faulty and the conduct of the prosecutor and the judge denied them a fair trial.

Rosenberg, an electrical engineer, is thirty-three. His wife is thirty-six. They have two young sons. Sobell, thirty-five, an electronics expert, is the father of two chil-

dren. The Rosenbergs have been in the Sing Sing death house for eighteen months after having originally been condemned to die the week of last May 21.

The principal witnesses against the Rosenbergs were Ethel Rosenberg's brother and sister-in-law, David and Ruth Greenglass, and Harry Gold. Greenglass, who got a fifteen-year sentence for his confessed part in the plot, testified that he stole atomic bomb secrets at the government experimental station at Los Alamos, N. M., and turned them over to the Rosenbergs for transmission to Russia.

Gold, who confessed last year and is under a thirty-year sentence, in his testimony linked Rosenberg and Dr. Klaus Fuchs, confessed British atomic spy.

## Attorney Plans Appeal

Emanuel H. Bloch, of 270 Broadway, attorney for the Rosenbergs, said yesterday he would leave "within forty-eight hours" for Washington to repetition the Supreme Court for a hearing. He has fifteen days to file such a petition.

Mr. Bloch said he had four other moves he could make to stay the execution of the Rosenbergs. He said he could move for a new trial on the grounds of new evidence, (he did not explain what new evidence he had); he could ask for a writ of habeas corpus on the grounds of illegal detention; he could ask Judge Kaufman, who sentenced the couple to death, to resentence them, and he could petition the President for clemency.

As a practical matter, it was pointed out by the United States Attorney's office, at Foley Square, that Judge Kaufman would set a date for execution as soon as he receives the mandate of the Supreme Court.

It is unlikely that a petition for habeas corpus would be asked because it is improbable that any Federal judge would sign such a writ. Judge Kaufman would be unlikely to commute the Rosenberg's sentence once the Supreme Court acted unfavorably, thus leaving the decision to the President.

Myles J. Lane, United States Attorney for the Eastern District, said defense counsel could move for a new trial and, if it is refused, appeal this refusal to the Circuit Court of Appeals and right on up to the Supreme Court again. In this event a stay of execution would be granted pending the outcome of the appeal.

At Sing Sing Prison, prison attaches said the couple have not been given any official notification of the Supreme Court decision, but they have undoubtedly heard the news on the prison radio. The Rosenbergs appeared calm and showed no emotion, prison officials said, adding they acted "normally."

In a prepared statement, the Rosenbergs reasserted "our complete innocence of the charge" and said they believed "our fellow Americans will save us."

The Committee to Secure Justice in the Rosenberg case announced that public rallies would be held in Philadelphia today; Brooklyn, Oct. 22; Manhattan, Oct. 23; Teaneck, N. J., Oct. 28; Cleveland, Nov. 8; Boston, Nov. 9 and the Bronx, Nov. 19.

# HIGH COURT REJECTS ATOM SPIES' APPEAL OF DEATH SENTENCE

Rosenbergs Put Step Nearer  
to Electric Chair by Ruling  
—Truman Can Save Them

## LAWYER WILL PUSH FIGHT

Doomed Couple in Sing Sing  
for 18 Months Take News  
Calmly—'Frame-Up' Seen

Special to THE NEW YORK TIMES

WASHINGTON, Oct. 13—The Supreme Court refused today to review the appeals of Julius and Ethel Rosenberg, who are awaiting death in the electric chair in Sing Sing Prison for giving atomic bomb secrets to the Soviet Union. Apparently, only if President Truman commutes their sentence can the husband and wife escape electrocution. Emanuel H. Bloch, lawyer for the Rosenbergs, said in New York that he would seek a reconsideration of the Supreme Court's refusal to grant a review. He added that he would "take every other process known to law" to aid his clients. Rarely, however, does the Supreme Court reverse itself in a criminal case, or grant a new examination.

The court's vote against examining the Rosenbergs' conviction was 8 to 1. Justice Hugo L. Black alone favored granting a hearing.

In the same terse order and by the same vote, the tribunal rejected an appeal by Morton Sobell, a radar expert, who was convicted with the Rosenbergs and was sentenced to serve thirty years.

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#### Treason Appeal Denied

Mrs. Rosenberg's brother, David Greenglass, who testified for the Government, has been sentenced to fifteen years for his admitted part in the spy ring. He did not appeal.

In another action the Supreme Court rejected an appeal for a rehearing by Tomoya Kawakita, a United States-born Japanese, who has been convicted of treason and sentenced to death in California. His conviction for brutal and inhuman treatment of United States prisoners of war in a Japanese prison camp was upheld, 4 to 3, by the Supreme Court last June. However, he requested a rehearing and the court could not pass on it until after assembling for the term on Oct. 6.

Justice department officers said that the death sentence for the Rosenbergs was the first ever pronounced for espionage by a civilian court in the United States during peace time.

At the trial in the New York Federal District Court of Judge Irving R. Kaufman, Greenglass swore that he stole secrets of the atomic bomb from the Government station at Los Alamos, N. M., and gave them to the Rosenbergs to send to the Soviet Union.

Greenglass, an Army sergeant at Los Alamos from 1944 to 1946, was in a position to ascertain what

Continued on Page 18, Column 2



## 2 ATOMIC SPIES LOSE HIGH COURT APPEAL

Continued From Page 1

was proceeding in the secret manufacture of the atomic bomb and to pass such data on to the spy ring.

In sentencing the Rosenbergs on April 3, 1951, Judge Kaufman said:

"I believe that your conduct in putting into the hands of the Russians the A bomb before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea, with resultant casualties exceeding 50,000 Americans. And who knows but what millions more of innocent people may pay the price of your treason."

On Feb. 25, 1952, the Federal Circuit Court of Appeals in New York sustained the death sentence. The thirty-year penalty for Sobell also was upheld. Although connected with the Rosenbergs in the spy ring, he was not linked directly to the theft of the atomic secrets.

The appeals rejected by the Supreme Court today challenged the constitutionality of the Federal Espionage Law, criticized Judge Kaufman for his part in the trial and termed the death sentence cruel and unusual punishment.

Federal law requires that when a Federal court orders the death penalty, the method of execution shall be that of the state in which the convicted persons were tried.



HEARING DENIED: Julius and Ethel Rosenberg, shown arriving for espionage trial here on March 21, 1951.

Because of this, the Federal Government has not developed all of the varied legal apparatus for inflicting the death penalty. It has no electric chair and, therefore, would use the chair in Sing Sing Prison at Ossining, N. Y., should the Rosenbergs eventually be executed.

trocuted. No date for their execution can be set until all avenues of appeal have been exhausted.

### Couple Calm Over Decision

Special to THE NEW YORK TIMES.  
OSSINING, N. Y., Oct. 13—Julius and Ethel Rosenberg, who have been held in Sing Sing Prison's

death house for eighteen months, retained their adopted cool manner today after hearing that the Supreme Court had rejected their appeals.

Prison officials said that the Rosenbergs did not appear to be upset over the news. Both took regular outdoor exercises.

The news of the court's decision was broadcast over the prison's radio network just before noon.

It is not expected that the couple will be officially notified of the decision until court papers are handed over to prison officials.

#### Rosenbergs See 'Frame-up'

The Committee to Secure Justice in the Rosenberg Case issued last night a statement by the Rosenbergs on the Supreme Court's action in which they said:

"Our pleas to the Supreme Court have been restricted by legal protocol, but before the bar of public opinion we cannot reassert often or emphatically enough our complete innocence of the charge.

"No matter what the result, we will continue in our determination to expose the political frame-up perpetrated against us by those who would silence by death, through spurious espionage accusations, opposition to the conspiracy to impose war abroad and a police state at home."

The committee announced plans for a series of public meetings appealing for Presidential clemency. The largest of the rallies, which will be held throughout the Northeast, was scheduled for Union Square on Oct. 29 between 4:30 and 7 P. M.

Among the sponsors listed on the committee's letterhead are Prof. Edwin Barry Burgum, who was

suspended by New York University yesterday for refusing to tell a Senate Internal Security subcommittee whether he had any Communist affiliations; Dr. W. E. B. DuBois and Dr. Gene Weltfish, among others.

Dr. Weltfish, testifying here yesterday before the Senate subcommittee, refused, like Dr. Burgum, to answer, on the ground of possible self-incrimination, questions on whether she had been active in the Rosenbergs' defense.

Vincent Hallinan, Progressive party candidate for President, called the Supreme Court decision "a cold war verdict without even an opportunity for a high court review of the evidence." He urged "all Americans to wire President Truman and Attorney General (James P.) McGranery demanding that they consent to a rehearing."

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**Rosenbergs Lose Their Icy Calm:**

# News of Doom Stuns A-Spies

By ATRA BAER

Atom spies Julius and Ethel Rosenberg spent a sleepless night in their Sing Sing death house cells. It was the first sleepless night that the husband and wife, who had been noted for their icy calm and nonchalant attitude, spent in their 18 months inside Ossining's walls.

Swift and accurate as a teletype, the prison grapevine hummed with the news of the U. S. Supreme Court's decision yesterday denying them a hearing on their conviction as traitors.

The same grapevine flashed the information that a sudden, drastic change came over the pair upon hearing the news.

No longer are their spirits high and their appetites good. Only a few hundred feet from their cells is the electric chair in which they are sentenced to die.

All that stands between them and the chair is a possible Presidential intervention or a reconsideration by the Supreme Court. But it's rare for the high court to grant a new examination.

The Rosenbergs were convicted March 29, 1951 in the Federal Court House, Foley Square, of passing atom bomb secrets to Russia. The first death sentence ever pronounced during peace time for espionage in this country was imposed April 5, 1951, by Judge Irving R. Kaufman. He told the

Continued on Page 4, Column 2.

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**Sleepless Night:**

## **News of Doom**

## **Stuns A-Spies**

**Slim Hope Remains  
To Escape Chair**

**By ATRA BAER**

*Continued from First Page*

ing R. Kaulman. He told the Rosenbergs their crime was worse than murder.

The husband and wife were originally sentenced to die the week of May 31, but execution was held up pending appeals. A new date for execution will have to be set again by the Federal Court of the Southern District of New York.

"Standard procedure is that execution is about six to eight weeks after a final court review," declared Sing Sing's Principal Keeper Louis Kelley. "How much time will elapse before the execution, I'm not certain, but it cannot be far distant under the law."

It was visiting day at the prison yesterday and the atom spies' fate was discussed in whispers by other inmates and their families. The grapevine spread the word from cell to cell.

### **DIDN'T BELIEVE IT.**

Ethel, pudgy at 36, "didn't believe it when she heard it," disclosed a prison spokesman.

"She dashed to the small radio in her cell and turned it on. She had just missed the hourly news and had to wait almost a half-hour to confirm it. She was stunned. That's the only way to describe the way she looked and talked. Stunned."

"Utter disbelief is the manner in which Rosenberg received the news," another prison official said. "The disbelief registered in his face. He didn't have anything much to say."

Ironically, Mrs. Rosenberg yesterday completed exactly 18 months in the women's wing of the death house. Her husband, 34, an electrical engineer, will have been in exactly a year-and-a-half in two weeks.



#### SETS RECORD.

Mrs. Rosenberg has spent more time in the death house than any of the 10 women who have been held there in the last 52 years.

The Rosenbergs, who have two children, Michael, 9, and Robert, 8, asked that they be allowed to visit each other today.

They usually are permitted to visit for an hour-and-a-half on Thursdays, separated by a wire grill and in the presence of armed guards. Warden Wilfred L. Denno is expected to grant the request.

It was to be a busy day for the condemned couple. Mrs. Rosenberg's family was expected to visit her, and both expressed a desire to see their lawyer, Emanuel H. Bloch.

Bloch, of 270 Broadway, announced he would petition the Supreme Court "within 48 hours" and "take every available process known to law" to aid his clients including a plea for clemency to President Truman.

#### DIDN'T BREAK NEWS.

"Prison officials did not break the news to the Rosenbergs," Kelley disclosed. "Before we had decided what to do, word came from the condemned wing that both had heard it through the grapevine."

Usually, when word sweeps the death house that an appeal has been turned down, messages of hope and sympathy are passed from cell to cell until they reach the doomed prisoner. Hardened guards usually have a kind word on such an occasion, too.

The only messages of sympathy arriving at Sing Sing were telegrams from left-wing partisans.

Ethel, number 110510 and the only occupant of the women's section of the death house, skipped her regular "outing" in the private courtyard adjoining her cell after hearing the news.

During their trial, her brother, David Greenglass testified that he stole atom bomb secrets from Los Alamos, N. M., and gave them to the Rosenbergs to pass on to Russia. Greenglass was sentenced to 15 years in prison.

Morton Sobell, a radar expert, convicted with the Rosenbergs and sentenced to 30 years was denied a hearing by the Supreme Court also by a vote of 8-1. Justice Black dissented in both cases.

Throughout their trial and afterwards, the Rosenbergs' gestures, slick phrases and cool manner indicated they never thought this justice would catch up with them. It has. And they can't believe it.

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# HIGH COURT REJECTS ATOM SPIES' APPEAL OF DEATH SENTENCE

Rosenbergs Put Step Nearer  
to Electric Chair by Ruling  
—Truman Can Save Them

## LAWYER WILL PUSH FIGHT

Doomed Couple in Sing Sing  
for 18 Months Take News  
Calmly—'Frame-Up' Seen

Special to The New York Times.  
WASHINGTON, Oct. 13—The Supreme Court refused today to review the appeals of Julius and Ethel Rosenberg, who are awaiting death in the electric chair in Sing Sing Prison for giving atomic bomb secrets to the Soviet Union. Apparently, only if President Truman commutes their sentence can the husband and wife escape electrocution. Emanuel H. Bloch, lawyer for the Rosenbergs, said in New York that he would seek a reconsideration of the Supreme Court's refusal to grant a review. He added that he would "take every other process known to law" to aid his clients. Rarely, however, does the Supreme Court reverse itself in a criminal case, or grant a new examination. The court's vote against examining the Rosenbergs' conviction was 8 to 1. Justice Hugo L. Black alone favored granting a hearing. In the same terse order and by the same vote, the tribunal rejected an appeal by Morton Sobell, a radio expert, who was convicted with the Rosenbergs and sentenced to serve thirty years.

CLIPPING FROM THE  
N.Y. TIMES

OCT 14 1952

RECEIVED BY N.Y. DIVISION

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#### Treason Appeal Denied

Mrs. Rosenberg's brother, David Greenglass, who testified for the Government, has been sentenced to fifteen years for his admitted part in the spy ring. He did not appeal.

In another action the Supreme Court rejected an appeal for a rehearing by Tomoya Kawakita, a United States-born Japanese, who has been convicted of treason and sentenced to death in California. His conviction for brutal and inhuman treatment of United States prisoners of war in a Japanese prison camp was upheld, 4 to 3, by the Supreme Court last June. However, he requested a rehearing and the court could not pass on it until after assembling for the term on Oct. 8.

Justice department officers said that the death sentence for the Rosenbergs was the first ever pronounced for espionage by a civilian court in the United States during peace time.

At the trial in the New York Federal District Court of Judge Irving R. Kaufman, Greenglass swore that he stole secrets of the atomic bomb from the Government station at Los Alamos, N. M., and gave them to the Rosenbergs to send to the Soviet Union.

Greenglass, an Army sergeant at Los Alamos from 1944 to 1946, was in a position to ascertain what

Continued on Page 18, Column 2

## 2 ATOMIC SPIES LOSE HIGH COURT APPEAL

Continued From Page 1

was proceeding in the secret manufacture of the atomic bomb and to pass such data on to the spy ring.

In sentencing the Rosenbergs on April 3, 1951, Judge Kaufman said:

"I believe that your conduct in putting into the hands of the Russians the A bomb before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea, with resultant casualties exceeding 50,000 Americans. And who knows but what millions more of innocent people may pay the price of your treason."

On Feb. 23, 1952, the Federal Circuit Court of Appeals in New York sustained the death sentence. The thirty-year penalty for Sobell also was upheld. Although connected with the Rosenbergs in the spy ring, he was not linked directly to the theft of the atomic secrets.

The appeals rejected by the Supreme Court today challenged the constitutionality of the Federal Espionage Law, criticized Judge Kaufman for his part in the trial and termed the death sentence cruel and unusual punishment.

Federal law requires that when a Federal court orders the death penalty, the method of execution shall be that of the state in which the convicted persons were tried.



Associated Press

**HEARING DENIED:** Julius and Ethel Rosenberg, shown arriving for espionage trial here on March 21, 1951.

Because of this, the Federal Government has not developed all of the varied legal apparatus for inflicting the death penalty. It has no electric chair and, therefore, would use the chair in Sing Sing Prison at Ossining, N. Y., should the Rosenbergs eventually be elec-



death house for eighteen months, retained their adopted cool manner today after hearing that the Supreme Court had rejected their appeals.

Prison officials said that the Rosenbergs did not appear to be upset over the news. Both took regular outdoor exercises.

The news of the court's decision was broadcast over the prison's radio network just before noon.

It is not expected that the couple will be officially notified of the decision until court papers are handed over to prison officials.

#### Rosenbergs See 'Frame-up'

The Committee to Secure Justice in the Rosenberg Case issued last night a statement by the Rosenbergs on the Supreme Court's action in which they said:

"Our pleas to the Supreme Court have been restricted by legal protocol, but before the bar of public opinion we cannot reassert often or emphatically enough our complete innocence of the charge.

"No matter what the result, we will continue in our determination to expose the political frame-up perpetrated against us by those who would silence by death, through spurious espionage accusations, opposition to the conspiracy to impose war abroad and a police state at home."

The committee announced plans for a series of public meetings appealing for Presidential clemency. The largest of the rallies, which will be held throughout the Northeast, was scheduled for Union Square on Oct. 29 between 4:30 and 7 P. M.

Among the sponsors listed on the committee's letterhead are Prof. Edwin Berry Burgum, who was

suspended by New York University yesterday for refusing to tell a Senate Internal Security subcommittee whether he had any Communist affiliations; Dr. W. E. B. DuBois and Dr. Gene Weltfish, among others.

Dr. Weltfish, testifying here yesterday before the Senate subcommittee, refused, like Dr. Burgum, to answer, on the ground of possible self-incrimination, questions on whether she had been active in the Rosenbergs' defense.

Vincent Hallinan, Progressive party candidate for President, called the Supreme Court decision "a cold war verdict without even an opportunity for a high court review of the evidence." He urged "all Americans to wire President Truman and Attorney General (James P.) McGranery demanding that they consent to a rehearing."

truncated. No date for their execution can be set until all avenues of appeal have been exhausted.

#### Couple Calm Over Decision

Special to The New York Times.

OSWING, N. Y., Oct. 13—Julius and Ethel Rosenberg, who have been held in Sing Sing Prison

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## The Rosenberg Case

BY TED O. THACKREY  
Editor and Publisher

I think it is a great misfortune that the Supreme Court failed to accept the Rosenberg case for review. I think it is a sign of the times—and an unhappy one—that only one justice (Justice Black) was willing to hear the case and determine whether the facts of law justified a remand for retrial.

It is my understanding that attorneys for the two convicted atomic spies, Mrs. Ethel Rosenberg and her husband, Julius, will make another effort to gain judicial review by our highest court, and I trust it will be successful.

I am not an ardent partisan of the movement to free the Rosenbergs.

I believe they were probably guilty of engaging in espionage in connection with the transmission of data concerning basic formulae for the release of atomic energy, though how secret this information was in fact to the world of science, or how useful to a potential enemy, is a point on which I remain skeptical.

No country can encourage, or tolerate, espionage, whether in peacetime or in wartime, and it is reasonable to me that punishment should be certain, prompt, and in proportion to the crime. Believing the Rosenbergs guilty of engaging in espionage, I cannot support a movement to free them from punishment.

But the Rosenbergs have been sentenced to death.

Their co-conspirators—who by all the testimony against the Rosenbergs were even more important members of the conspiracy—were rewarded by moderate sentences, or none; one of the key conspirators was freed completely! This is a presumptive reward for helping convict the Rosenbergs . . . but the plotters and the key agents—one a sergeant in the United States Army—were given, by comparison, a slap on the wrist or no punishment at all, while the two who were a part of the communication system get the death sentence! This smacks more of angry vengeance than justice.

CLIPPING FROM THE  
N.Y. COMPASS

OCT 14 1952

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A thorough examination of the trial record—which I can assure you takes weeks rather than hours—reveals other considerations which cry out for re-examination by the Supreme Court, and by all of us.

Emphasis in the trial record and in the prosecution's case is not on the stated crime (of which I believe the prisoners guilty) but on the nature of their political and ideologic commitments. They were tried primarily on the charge of being Communists; and it seems to me that the judge's charge to the jury emphasized to the point of hysteria the presumption of the Communist affiliations of the Rosenbergs rather than the exact nature of the acts committed by them in contravention of the law; and I believe the death penalty as well as the verdict of guilty derived from hostility of the court and jury toward the very idea of communism; and that if it were not for fear of being somehow identified with an affection for the political beliefs of the Rosenbergs, there would have been a gigantic public outcry against the death sentence, cutting across political and economic lines.

I believe deeply that people should be punished for ACTS, but that ideas may be confronted successfully ONLY by conflicting, and superior, ideas.

I believe the Rosenbergs should pay the consequence of a prison sentence for their acts; I do not believe they should be deprived of their lives for the ideas they held (or MAY have held, since the evidence on this point is by no means conclusive!) and I believe we lower our standards of democratic justice if the death penalty should be permitted to stand.

I believe that if the Supreme Court can be induced to examine the record, it will be clear to a majority of the justices that the court and the jury were swayed by a determination to strike out at the Rosenbergs as symbols not simply of espionage—which requires punishment—but of communism, which cannot in my judgment be inhibited by detention or even by the hangman's noose; that a retrial in an atmosphere free of vengeful motivation is essential. If that should fail, I believe the cause of freedom and democracy will be better served by a commutation of the death sentence than by the martyrization of the Rosenbergs through a double execution.

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# Supreme Court Dooms Rosenbergs to Death as Atom Spies for Russia

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N. Y. N.Y. HERALD TRIBUNE.....

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## **Last Fight to Save Couple Is Planned**

### **30-Year Term Stays for Accomplice of 2 Linked to Fuchs Ring at Trial**

By Raymond J. Blair

WASHINGTON, Oct. 13.—The Supreme Court, by an 8-to-1 vote, today denied a hearing to Julius and Ethel Rosenberg, convicted atomic spies sentenced to die in the Sing Sing prison electric chair.

The action, taken at the court's first business session of the new fall term, with Associate Justice Hugo L. Black dissenting, means that the husband and wife will be executed unless, as is unlikely, the court should reconsider or President Truman should intervene.

The high court, with Justice Black again dissenting in another 8-to-1 vote, also decided to deny a hearing to Morton Sobell, a radar expert convicted with the Rosenbergs of being part of a spy ring which transmitted atomic secrets to Russia. Sobell was not linked to the actual theft of atomic data and thus escaped the death penalty. He got a maximum sentence of thirty years in prison.

#### **To Seek Reargument**

In New York, Emanuel H. Bloch, the Rosenbergs' attorney, said he planned to use "every available" legal process to "vindicate the Rosenbergs." He said he would move for a reargument before the Supreme Court within fifteen days and would also seek a stay of the execution.

The Rosenbergs and Sobell, whose trial was the first in United States history for atomic espionage, were found guilty on March 29, 1951 in New York Federal District Court. They were sentenced April 5 of the same year by Judge Irving R. Kaufman, who told the Rosenbergs their crime was worse than murder.

#### "Price of Treason"

Judge Kaufman said their action in putting into Russian hands the secret of the atomic bomb—before America's best scientists predicted Russia would perfect the bomb—had caused the Communist aggression in Korea with its resultant American casualties. "And who knows but what millions more of innocent people may pay the price of your treason," he said.

The United States Circuit Court of Appeals, on Feb. 25, upheld the Rosenbergs' death sentence and Sobell's prison sentence.

The Rosenbergs' appeal contended among other things that the 1917 Espionage act, under which they were convicted, was so vague as to deprive them of

(Continued on page 38, column 5)

# Rosenbergs

(Continued from page one)

their Constitutional rights. It said also that the indictment was faulty and the conduct of the prosecutor and the judge denied them a fair trial.

Rosenberg, an electrical engineer, is thirty-three. His wife is thirty-six. They have two young sons. Sobell, thirty-five, an electronics expert, is the father of two chil-

dren. The Rosenbergs have been in the Sing Sing death house for eighteen months after having originally been condemned to die the week of last May 21.

The principal witnesses against the Rosenbergs were Ethel Rosenberg's brother and sister-in-law, David and Ruth Greenglass, and Harry Gold. Greenglass, who got a fifteen-year sentence for his confessed part in the plot, testified that he stole atomic bomb secrets at the government experimental station at Los Alamos, N. M., and turned them over to the Rosenbergs for transmission to Russia.

Gold, who confessed last year and is under a thirty-year sentence, in his testimony linked Rosenberg and Dr. Klaus Fuchs, confessed British atomic spy.

## Attorney Plans Appeal

Emanuel H. Bloch, of 270 Broadway, attorney for the Rosenbergs, said yesterday he would leave "within forty-eight hours" for Washington to repitition the Supreme Court for a hearing. He has fifteen days to file such a petition.

Mr. Bloch said he had four other moves he could make to stay the execution of the Rosenbergs. He said he could move for a new trial on the grounds of new evidence, (he did not explain what new evidence he had); he could ask for a writ of habeas corpus on the grounds of illegal detention; he could ask Judge Kaufman, who sentenced the couple to death, to resentence them, and he could petition the President for clemency.

As a practical matter, it was pointed out by the United States Attorney's office, at Foley Square, that Judge Kaufman would set a date for execution as soon as he receives the mandate of the Supreme Court.

It is unlikely that a petition for habeas corpus would be asked because it is improbable that any Federal judge would sign such a writ. Judge Kaufman would be unlikely to commute the Rosenberg's sentence once the Supreme Court acted unfavorably, thus leaving the decision to the President.

Myles J. Lane, United States Attorney for the Eastern District, said defense counsel could move for a new trial and, if it is refused, appeal this refusal to the Circuit Court of Appeals and right on up to the Supreme Court again. In this event a stay of execution would be granted pending the outcome of the appeal.

At Sing Sing Prison, prison attaches said the couple have not been given any official notification of the Supreme Court decision, but they have undoubtedly heard the news on the prison radio. The Rosenbergs appeared calm and showed no emotion, prison officials said, adding they acted "normally."

In a prepared statement, the Rosenbergs reasserted "our complete innocence of the charge" and said they believed "our fellow Americans will save us."

The Committee to Secure Justice in the Rosenberg case announced that public rallies would be held in Philadelphia today; Brooklyn, Oct. 22; Manhattan, Oct. 23; Teaneck, N. J., Oct. 28; Cleveland, Nov. 2; Boston, Nov. 3 and the Bronx, Nov. 19.



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# 2 Atom Spies Doomed By High Court Ruling

CLIPPING FROM THE

N.Y. HARBOR

OCT 14 1952

65-15348-14-589

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OCT 16 1952	
FBI - NEW YORK	
J. Harrington	

WASHINGTON, Oct. 13 (AP)—The Supreme Court today denied a hearing to atom spies Julius and Ethel Rosenberg, the husband and wife sentenced to die for giving American A-bomb secrets to Russia.

The denial lets stand unchanged the conviction and death sentence of the New York City couple—and puts them another step closer to execution in the electric chair in Sing Sing prison. Only a commutation of their sentence by the President can save them now.

The high court's rejection of the couple's appeal was announced in a brief order, which noted that Justice Black favored a hearing. The Court's vote thus was 8-1.

It also denied a hearing to Morton Sobell, a radar expert



Convicted atom spies Julius (right) and Ethel Rosenberg, shown with deputy U. S. marshal, lost appeal from death sentences when Supreme Court refused to review their case yesterday.

convicted with the Rosenbergs. He escaped the death penalty, but got a maximum sentence of 30 years in prison.

Mrs. Rosenberg's brother, David Greenglass, testified for the government and helped send his sister and brother-in-law to the death house. Greenglass got a 15-year sentence for his confessed part in the spy plot. No appeal was filed in his case.

The death sentence given the Rosenbergs has been described as the first ever imposed in peace time by a civilian court in this country for espionage.

In New York, the Rosenbergs' attorney, Emanuel H. Bloch, said:

"We intend to apply for re-argument and take every other available process known to law to vindicate the Rosenbergs."

Among other cases, the high tribunal: (1) agreed on constitutionality of the new Federal law requiring gamblers to buy a \$50 tax stamp. U. S. District Judge George A. Welsh in Philadelphia had held the law an invalid infringement on state police power.

(2) Denied Louis Weber, New York numbers racketeer, a review of his conviction for lying to the Senate Crime Investigating Committee. Weber was sentenced in Federal Court in New York to five years in prison and \$2,000 fine for telling the committee he did not know James J. Moran, close friend of former New York Mayor William O'Dwyer.

(3) Granted a hearing to three New York City residents sentenced to death for the killing of a messenger during a holdup of a Readers Digest money truck.

The condemned men are Harry A. Stein, Nathan Wissner and Calman Cooper. The holdup occurred April 3, 1950, on a road leading from the Readers Digest plant at Chappaqua, N. Y. Andrew Petriot, the messenger on the truck, was shot through the head.

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## Re-Hearing Sought: A-Spies Granted High Court Delay

WASHINGTON, Oct. 15 (UP).

— The Supreme Court today stayed its order rejecting the appeals of Julius and Ethel Rosenberg so the condemned atomic spies may file a petition for re-hearings with the high bench within 15 days.

The action automatically postpones the date of execution of the husband and wife, who are awaiting death in the electric chair at New York's Sing Sing Prison.

It is not unusual for appellants in important cases to ask the high court for reconsideration, but the court seldom grants it.

In order to obtain a re-hearing, an appellant is supposed to show new circumstances or legal questions that have arisen since the original decision.

65-15348-A-593

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## Rosenbergs Get Delay For Rehearing Plea

By the United Press.

WASHINGTON, Oct. 15.—The Supreme Court today stayed its order rejecting the appeals of Julius and Ethel Rosenberg so the condemned atomic spies may file a petition for rehearings with the high bench.

The action automatically postpones the date of execution of the husband and wife who are awaiting death in the electric chair at Sing Sing prison.

The rehearing petition must be filed in 15 days.

Last Monday, the court doomed the Rosenbergs by rejecting their appeals from their convictions on charges of passing atomic bomb secrets to a Russian spy ring.

CONTINUED FROM THE  
N.Y. WORLD TELEGRAM & SUN

OCT 15 1952

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J. H. Harrington  
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*Tom*

# Rosenbergs' Execution Stayed By New Supreme Court Ruling

COMPASS Washington Bureau

Washington, Oct. 15—The Supreme Court today issued a stay of its refusal to review the appeal of Julius and Ethel Rosenberg against their conviction as atom spies and granted the couple 15 days in which to file a petition for a re-hearing of their arguments for appeal.

The order automatically pre-

vents the setting of a date for the electrocution of the husband and wife, who have been in the Sing Sing death house for 18 months.

It now is considered likely that any further definitive action in their case will be delayed until after Election Day.

**Street Rally Scheduled**  
A street rally in behalf of the

Rosenbergs will be held tomorrow night in their home neighborhood.

The 19th Congressional District American Labor Party will sponsor the meeting, at the corner of Norfolk and Delancey Sts., at 8:30 p.m. Principal speaker will be Mrs. Morton Sobell, whose husband was sentenced to 30 years in the same case.

CLIPPING FROM THE

*NY COMPASS*

OCT 16 1952

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# Rosenbergs' Execution Stayed By New Supreme Court Ruling

COMPASS Washington Bureau  
 Washington, Oct. 15--The Supreme Court today issued a stay of its refusal to review the appeal of Julius and Ethel Rosenberg against their conviction as atom spies and granted the couple 15 days in which to file a petition for a re-hearing of their arguments for appeal.  
 The order automatically pre-

vents the setting of a date for the electrocution of the husband and wife, who have been in the Sing Sing death house for 18 months.  
 It now is considered likely that any further definitive action in their case will be delayed until after Election Day.  
 Street Rally Scheduled  
 A street rally in behalf of the

Rosenbergs will be held tomorrow night in their home neighborhood.  
 The 19th Congressional District American Labor Party will sponsor the meeting, at the corner of Norfolk and Delancey Sts., at 8:30 p.m. Principal speaker will be Mrs. Morton Sobell, whose husband was sentenced to 30 years in the same case.

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# Rosenbergs Get Month's Stay of Death

## Supreme Court Agrees to Let Spies' Counsel File a New Petition

By Raymond J. Blair

WASHINGTON, Oct. 15.—The Supreme Court, which refused Monday to review the death sentence imposed on Julius and Ethel Rosenberg for giving atomic-bomb secrets to Russia, today in effect stayed their execution for a month.

What the court did, in technical terms, was to grant the request of Emanuel H. Bloch, of 270 Broadway, New York, counsel for the Rosenbergs, that its Monday order refusing to hear the case be held up so that Mr. Bloch could file a petition for a rehearing.

Mr. Bloch has fifteen days from Monday to file the petition, and then the government, if it wishes, can take another ten days to file an answer. Then the court will act. It rarely grants such petitions, according to court attaches, who could recall only two or three, being approved in the last ten years.

The stay granted today also delays carrying out the thirty-year prison term imposed on Morton Sobell, a radar expert convicted with the Rosenbergs of being part of an atomic spy ring linked to Dr. Klaus Fuchs, confessed British atomic spy.

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#### 18 Months in Death Cells

The Rosenbergs and Sobell were found guilty March 29, 1951, in New York Federal District Court and were sentenced April 5 of the same year by Judge Irving R. Kaufman. The Rosenbergs have been in the Sing Sing prison death house for eighteen months, after having been condemned originally to die in the electric chair the week of last May 21.

Supreme Court sources said the court would act quickly after the government has filed its answer to Mr. Bloch's petition, or waived its right to file such an answer. But, even at that, they said, today's action means it will be three weeks, a month, or perhaps even longer before the high court is through with the matter.

Supreme Court rules say that a petition for rehearing must cite new circumstances which have arisen since the conviction or evidence which was not presented originally. Actually, the Supreme Court has never held a hearing on the Rosenberg case, although the petition technically is for a "re-hearing."

Mr. Bloch said in New York Monday that, in addition to filing this petition, he had four other courses open: Moving for a new trial on the grounds of new evidence, asking for a writ of habeas corpus on grounds of illegal detention, asking Judge Kaufman to resentence the Rosenbergs, or appealing for Presidential clemency.



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## HIGH COURT TO WEIGH NEW ROSENBERG PLEA

Special to THE NEW YORK TIMES  
WASHINGTON, Oct. 15—Justices of the Supreme Court granted a stay of execution today to Julius and Ethel Rosenberg, the New Yorkers sentenced to die in the electric chair for transmitting secrets of the atomic bomb to the Soviet Union.

Under the stay, an order entered by the Supreme Court last Monday denying an appeal by the Rosenbergs will be held up until the court can act upon a petition they will file. The petition will request a reconsideration of the court's refusal to review their case.

Emanuel H. Block of New York, counsel for Mr. and Mrs. Rosenberg, presented a motion today asking for the stay until the petition could be dealt with.

It is possible that final action by the tribunal may be delayed for at least two or three weeks. Court procedure allows the Rosenbergs fifteen days in which to submit their petition for a rehearing. Following that, the Department of Justice has ten days in which to give its reply. The Government, however, may waive this right.

The Supreme Court seldom agrees to a rehearing, particularly in a criminal case. Should the Rosenberg request be granted, however, the court could reverse its action of Monday and listen to new arguments. The justices met in conference to consider the motion, and subsequently announced the stay.

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# High Court Stays Atom Spies' Doom

WASHINGTON, Oct. 15 (UP).—The Supreme Court today put off Julius and Ethel Rosenberg's date with the electric chair to give the condemned atomic spies time for one more appeal.

The tribunal stayed its order of Monday rejecting the death-sentence appeal of the couple to enable their lawyers to file a petition for rehearings with the high bench.

The stay automatically postpones the date of execution. The couple have been in the death house in New York's Sing Sing Prison for 18 months.

Attorneys must file the petition for rehearing of the appeal within 15 days. It is quite common for appellants in important cases to ask reconsideration of an appeal after it has been rejected. However, the court seldom grants the reconsideration.

The Rosenbergs now must show

new circumstances or legal questions that have arisen since their conviction to obtain a rehearing.

The high court Monday rejected the Rosenbergs' appeal from lower court actions upholding their conviction under the War-time Espionage Act. They were found guilty of passing atomic-bomb secrets to a Russian spy ring of which imprisoned British scientist Klaus J. Fuchs was a member.

Held up at the same time was an order rejecting the appeal of Morton Sobell, an accomplice of the Rosenbergs. He has been sentenced to 30 years.

If the tribunal's order had not been stayed, it would have reached Federal District Court in New

York City—the trial court—in about a week. Government lawyers had planned to request the trial court to set a date for the execution.

Condemned atom spies Julius and Ethel Rosenberg received word of the Supreme Court's stay order in their cells in Sing Sing's death house yesterday with no display of emotion.

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# Top Court Lets Atom Spies File For Rehearing

Washington, D. C., Oct. 15.—The Supreme Court today agreed to permit Julius and Ethel Rosenberg to file a petition for a new hearing in their effort to overturn their conviction as atomic spies and thus escape the electric chair.

To do this, the court stayed its recent order rejecting the Rosenberg couple's appeal. The order was announced, but not transmit-



Julius Rosenberg      Ethel Rosenberg  
*Winning a brief delay.*

ted, on Monday. The petition for reconsideration of the court's decision must be filed by the Rosenbergs within 15 days.

To obtain a rehearing they must show new circumstances on legal questions that have arisen since the original decision. Such rehearsings are seldom obtained.

As soon as the rejection order is formally transmitted, the Federal Government can go into a lower federal court and ask the judge to set a date for the Rosenbergs' execution in the electric chair.

The couple has been in Sing Sing Prison death house since they were sentenced to death 18 months ago after being convicted of passing on A-bomb secrets to the Soviets during and after World War II.

Rosenberg, 33, and his wife, Ethel, 36, both of New York, are the first persons in U. S. history to be doomed to death under the wartime Espionage Act.

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## Appeal Denied

Under Federal law espionage in time of war is punishable by a maximum penalty of death. Nineteen months ago two Americans were convicted of wartime espionage and sentenced to death. It was the first decision of its kind ever handed down in an American civil court. The spies sentenced were Julius and Ethel Rosenberg, 32 and 33, charged with transmitting information on the design of the atomic bomb to Russia. Mrs. Rosenberg's brother, David Greenglass, 29, who confessed that he had supplied the Rosenbergs with the information and testified against them, was sentenced to fifteen years in prison.

The Rosenbergs appealed to the Supreme Court, challenged the constitutionality of the Federal espionage law and asserted they were innocent. Last Monday the high court refused to review the case. Then the Rosenbergs' attorney petitioned the court to stay its Monday order pending a new petition for an appeal. On Wednesday the Supreme Court granted the stay.

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# SAVE THE ROSENBERGS!

Will you permit the Rosenbergs, young Jewish parents of two small children, to be put to death — in the face of grave doubt of their guilt?

A new trial is still possible . . . Presidential clemency can save their lives.

## 2 RALLIES TO HELP SAVE THE ROSENBERGS — NOW!

**BROWNSVILLE — TOMORROW**  
Wed., Oct. 22nd., 8 P.M., Sub. 50c  
Premier Palace, 505 Sutter Ave.

**PROMINENT SPEAKERS**  
Rabbi Meyer Sharff  
Mrs. Morton Sobell  
Gloria Agria  
Bessie Mitchell  
Michael Wallin

**UNION SQ., OCT. 29th**

**WEDNESDAY**  
After Work,  
4:30 to 7 P.M.

Prominent Speakers of all  
Political and Religious Faiths

**NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG CASE**  
1000 9th Ave., New York **VOLUNTEER TYPISTS, CLERKS, ETC. PLEASE APPLY**

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# CITYWIDE RALLY TO SAVE the ROSENBERGS

SPEAKERS:

Dr. W. E. D.

**DU BOIS**

Rabbi Samuel

**BUCHLER**

Mrs. Helen

**SOBELL**

Morris

**CARNOVSKY**

THURS., OCT. 23rd,  
8 P.M.

**CENTRAL PLAZA**

111 SECOND AVE. (nr. 7th St.) N.Y.C.

Admissions: 75c incl. tax

Auspices: Civil Rights Congress  
23 West 26th St., N.Y.C.  
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# WHAT SOVIET SCIENTISTS GOT FROM THE ATOMIC SPY RINGS

Case of Rosenbergs Points Up Contribution Of Stolen Data to Russia's A-Bomb Progress

By LUTHER A. HUSTON-  
Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 18—Some day, when it suits their purpose, the leaders in the Kremlin probably will proclaim that it was the Russians who invented the atomic bomb. This will ignore the recorded facts of history, of course, but Soviet leaders have not been deterred in the past from claiming for Russians the credit for great inventions simply because history listed nationals of other countries as the inventors.

Such a claim, if it is made, also will ignore the contribution to atomic progress in Russia of spies who betrayed their countries. Stolen secrets passed on to Soviet agents may well be the basis, according to some officials here, of all Russian progress in nuclear science.

Two of these spies, Julius and Ethel Rosenberg, sought unsuccessfully in the Supreme Court this week to escape the death penalty for giving atomic secrets to Moscow in wartime.

The high court refused to hear their appeal from the sentence of death imposed upon them by Federal Judge Irving R. Kaufman in New York on April 6, 1951.

## The Arch-Traitors

Although they are the only atom spies to draw death sentences, Mr. and Mrs. Rosenberg are not rated in the top flight of "great betrayers" who, seemingly from ideological motives rather than for gold, passed on to "antagonistic forces which might well be preparing to overwhelm us," as Judge Kaufman phrased it, information vital to the security of the United States.

The acts for which the Rosenbergs were sentenced were committed in wartime and hence punishable by death. Acts for which others were imprisoned were not wartime offenses and not subject to the death penalty.

The Joint Committee on Atomic Energy lists the four arch-traitors as Klaus Fuchs, Bruno Pontecorvo,

Allan Nunn May and David Greenglass. The relative importance of this group, the committee stated, is a matter of judgment and speculation, but the legislators were inclined to rate them in the order named. They all had direct access to secret information of tremendous value to the Russians.

Fuchs is a German who became a British subject. He was regarded as one of Britain's most brilliant nuclear scientists and his loyalty was certified by the British Government when he came here as a member of the British atomic energy mission.

He participated actively in efforts to develop the gaseous diffusion U-235 separation process at Columbia University and had complete access to all phases of the work. From 1944 to 1946 he worked at Los Alamos and took part in the making of the earliest atomic bombs. He returned to England in 1946 and became chief of the theoretical physics division at Harwell.

"It is little appreciated," said joint committee, "that Fuchs is not only the great betrayer of weapons but also the great betrayer of the theory underlying the only Oak Ridge production method in use today."

## Damage Assayed

Small wonder, then, that the committee concluded that it was not an exaggeration to say that Fuchs, by his spying, "alone has influenced the safety of more people and accomplished greater damage than any other spy not only in the history of the United States but in the history of nations."

As a result of leads developed by American investigators, Fuchs was arrested in England on Feb. 3, 1950. He confessed and after a brief trial in a British court was sentenced to prison.



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Boston, New York, Santa Fe and elsewhere and delivered it to Russian officials, who arrested in May, 1950, pleaded guilty and was sentenced to thirty years.

#### **Rosenbergs' Conviction**

The Rosenbergs were convicted in March, 1951, of conspiring with Gold and others to obtain national defense secrets for Russia. Mrs. Rosenberg is a sister of Greenglass, who testified that she and her husband induced him to betray the Los Alamos secrets.

May, Greenglass, Gold and the Rosenbergs are the principal atomic spies who have been arrested and convicted.

If knowledge of the use Russia has been able to make of the information obtained by espionage is possessed by American officials it has not been disclosed, beyond the fact that atomic explosions have taken place in the Soviet Union. The nature of the information supplied to Russia is known, however, and permits conjecture, in which the joint committee indulged, as to its potential value to the Communist leaders.

Great Britain, Canada and the United States, under the Quebec Agreement of 1943, collaborated in the development of atomic energy. Until the first atomic bomb was dropped in Hiroshima, in 1945, the mere existence of an atomic project was kept secret from the peoples of those countries.

#### **Soviet Union Gains**

Fuchs, however, had been supplying Russian agents with information concerning atomic research since 1942. May admitted giving atomic information to Soviet representatives early in 1945. Greenglass became involved in espionage soon after he went to work at the Manhattan Project in 1944.

One inevitable advantage to the Russians of the information obtained from the atomic spies was that it would enable them to avoid much costly experimentation and expensive errors. They did not have to overcome the immense obstacles to construct reactors and produce fissionable materials that faced this country and her associates during the early experimental period.

Fuchs, in particular, was able to supply information concerning American plans for post-war development of atomic weapons and the hydrogen bomb.

Some estimate that this advanced the Soviet program by at least eighteen months. Others have stated that it put forward the program by as much as ten years.

The joint committee concluded that by reason of Fuchs, Pontecorvo, May and Greenglass, "Russia's ability to mount an atomic offensive against the West, if war should come, would be greatly increased."

Pontecorvo, an Italian by birth, was considered a more outstanding scientist than Fuchs.

He had access to secret data and participated in experiments with tritium, a substance related to the hydrogen bomb. In 1948 he was made principal scientific officer at Harwell.

In 1950, however, Pontecorvo, his wife and three children fled from England and disappeared behind the Soviet Iron Curtain.

#### **A Spy Confesses**

Dr. May, a native-born British scientist, was a part of the espionage system established by the Soviets in Canada. He was arrested early in 1946 after he had given laboratory samples of U-235 and U-233 to a Russian military officer in Montreal. Following his arrest he confessed to writing an over-all report containing the sum of his atomic knowledge and transmitting it to the Soviet Union. He is serving a ten-year sentence in Wakefield Prison, in England.

Greenglass is the only one of the "four betrayers" who is American-born. He also is the only non-scientist in the group.

Greenglass' espionage consisted principally of supplying Harry Gold, a courier for Dr. Fuchs, with sketches and detailed descriptions of work done at the Los Alamos weapons installation. He was arrested in June, 1950, pleaded guilty and is serving a thirty-year sentence.

Gold, who became the messenger

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# Will HST Pardon the Rosenbergs?

In recent days many of my readers have suggested that President Truman will commute the death sentences of atom spies, Julius and Ethel Rosenberg. Some of them think it would win a lot of votes. They point out that Truman won a lot of votes by commuting the death sentence of the man who—while attempting to kill the President—inflicted a fatal wound on Truman's own bodyguard, Lester Coffelt. They believe history will repeat itself.

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# **Picasso Petitions For Rosenberg Retrial**

Artist Pablo Picasso of Paris has signed a petition circulating in Europe asking for a new trial for Ethel and Julius Rosenberg. It was announced yesterday by the National Committee to Secure Justice in the Rosenberg Case. The committee also announced that Rabbi Meyer Schaiff would speak in behalf of the couple, convicted of espionage and sentenced to death, at a rally tomorrow night at Premier Palace, 535 Sutter Avenue, Brooklyn.

Rabbi Max Felshin, in a sermon last Saturday at Radio City Synagogue, declared that sparing the lives of the Rosenbergs "would serve the cause of higher justice" in the event that "evidence may be produced establishing their protested innocence."

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## NEW HIGH COURT PLEA MADE BY ATOM SPIES

Special to THE NEW YORK TIMES

WASHINGTON, Oct. 23—Julius and Ethel Rosenberg, sentenced to die for giving atomic secrets to Russia, made another effort today to save themselves from electrocution at Sing Sing Prison. They petitioned the Supreme Court to reconsider their pleas for review of their sentence. The high court denied those pleas Oct. 13.

The Rosenbergs asserted that their death sentences were barbarous and that, although accused of conspiracy to commit espionage, their trial amounted to one for treason but without the customary Constitutional safeguards. Federal Judge Irving R. Kaufman, who imposed the death sentences, was harshly criticized in the petition.

The next session of the Supreme Court is Nov. 10.

"The trial judge . . . threw all rationality and judicial temperance to the winds when he judged the petitioners to have 'caused the Communist aggression in Korea,'" the petition said.

"The sentence," it stated, "was a product of the abandonment of national standards. Judicial balance gave way to unjudicial surrender to the political clamor that invaded the case."

The petition was filed by the Rosenberg's lawyer, Emanuel H. Bloch of New York City.

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# New Appeal Is Filed For Rosenbergs

COMPASS Washington Bureau

Washington, Oct. 28—Attorneys for Ethel and Julius Rosenberg today filed a new appeal with the Supreme Court for reversal of their espionage conviction.

Two weeks ago the court rejected a request to review the case. Two days later, however, it stayed its original order and gave the defense 15 days in which to file its petition for a rehearing. The government now has 10 days to file an answer.

A "friend of the court" brief, containing more than 40,000 signatures to petitions asking for "the right to a fair trial" for the Rosenbergs, was also filed with the high court today.

## Rally Here Today

A "million-message" campaign for clemency for Ethel and Julius Rosenberg, convicted of atomic espionage, will be launched at an "Appeal to the President" meeting at 4:30 p.m. today in Union Square, the National Committee to Secure Justice in the Rosenberg Case announced.

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## A-BOMB SPIES APPEAL AGAIN FOR REHEARING

Washington, Oct. 29 (U.P.) — Julius and Ethel Rosenberg, condemned atomic spies, have appealed anew to the Supreme Court to save them from the electric chair.

The petition for a rehearing of the Rosenbergs' once-rejected appeal was filed by attorney Emanuel H. Bloch yesterday.

He said scientific findings show the absurdity of the trial judge's conclusion that the Rosenbergs put A-bomb secrets into Russian hands "years before our best scientists predicted Russia would perfect the bomb."

Bloch called the death sentences imposed by Federal Judge Irving R. Kaufman on April 4, 1951, "a product of the abandonment of rational standards."

The Rosenbergs were convicted of conspiracy to commit espionage.

"We press upon the court that the sentences here outrage decency and offend civilized concepts of fair play, founded as they were on 'materially untrue' facts and extravagant assumptions," Bloch said in his petition.

The Rosenbergs' first appeal was rejected by the court Oct. 13. But two days later the tribunal agreed to give them time to file for a rehearing, although such pleas are seldom granted. The court's next meeting date is Nov. 10.

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## NEW TRIAL PETITION FILED FOR ROSENBERGS

WASHINGTON, Nov. 7 (AP)—A petition said to have about 50,000 signatures and asking a new trial for Mr. and Mrs. Julius Rosenberg, condemned as atomic bomb spies, was left in the office of the Supreme Court Clerk today.

Royal W. France of 104 East Fortieth Street, New York, also submitted a request for permission to file a brief as a "friend of the court." The brief questioned whether the Rosenbergs had a fair trial and explained:

"We are asking whether Julius and Ethel Rosenberg and Morton Sobell were really proved guilty beyond reasonable doubt and on relevant and competent evidence. . . . We are alarmed to think that in this time of emotional tension, cold war and fear of an atomic war that innocent people might suffer for a crime which they never committed or be punished beyond their desert."

Sobell was convicted with the Rosenbergs, but he got a thirty-year prison term. The Rosenbergs are in Sing Sing under a death sentence. The Supreme Court on Oct. 13 refused to review the Rosenberg and Sobell cases. A request that the court reconsider this refusal is pending.

The petition filed today had the names of persons and addresses in various cities and at the bottom the name, "National Committee to Secure Justice in the Rosenberg Case," and gave the committee's address as 1050 Sixth Avenue in New York.

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# Supreme Court Denies 2d Rosenberg Plea

Washington, Nov. 17 (UP)—The Supreme Court refused today to reconsider its recent action dooming Julius and Ethel Rosenberg to the electric chair as atomic spies.

They were convicted in New York Federal District Court March 29, 1951 on charges of passing atomic secrets to Russia.

They have been confined to the Sing Sing Death House for a year and a half while their appeal moved through the courts.

The Supreme Court originally rejected the Rosenbergs' appeal Oct. 13, by delayed sending its mandate to the trial court so the couple could make the usual plea for reconsideration.

## New Moves Possible

The high bench now is expected to send its mandate to the trial court in a few days. Normal procedure then is for government attorneys to demand that the death sentence be carried out.

Today's action does not necessarily snuff out the last hope of the tall electrical engineer and his petite wife.

Sometimes, after losing an appeal, defense lawyers seek habeas corpus action, alleging that their clients had not received a fair trial. The Rosenbergs also could appeal to President Truman to commute the death sentences.

## Rejects Sobell Plea

In refusing to reconsider its earlier action, the Supreme Court also:

Denied a petition on behalf of an estimated 50,000 interested persons who sought to act as "friends of the court" in the case. The signatures were ob-

tained by the National Committee to Secure Justice in the Rosenberg Case. The petition asked permission to file a brief in which it was argued that the Rosenbergs deserved a new trial.

Rejected a appeal for reconsideration filed by Morton Sobell, who drew a 30-year prison term as an accomplice of the Rosen-

bergs.

The Rosenbergs had sought reconsideration of the earlier Supreme Court action on grounds that the death sentences "outrage decency and offend civilized concepts of fair play, founded as they were on 'materially untrue' facts and extravagant assumptions."

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Reconsideration of the case had been sought by the Rosenbergs on grounds that the death sentences "outrage decency and offend civilized concepts of fair play, founded as they were on 'materially untrue' facts and extravagant assumptions."

#### Deny Their Petition.

Besides rejecting the appeal on that basis, the court also denied a petition signed by an estimated 60,000 persons asking permission for filing of a brief arguing for a new trial. The petition was sponsored by the National Committee to Secure Justice in the Rosenberg Case. Additionally, the court rejected the reconsideration appeal request made by Morton Sobell, accomplice of the Rosenbergs, in their behalf. Sobell is serving a 30-year prison term.

The court also:

Granted a hearing to five Negroes who claimed that local election processes at Fort Bend, Tex., kept them from voting.

In an 8-to-1 decision turned down Robert Woodall, a Negro fugitive from Alabama, who had sought to prevent his extradition from Ohio. The court held that he could carry on his fight against "cruel and inhuman punishment" violating his constitutional rights in Alabama courts just as well as in Ohio.

Held, in a 5-4 decision that GI life insurance policies can be paid only to a living person and not to estates of beneficiaries.

Ordered a new trial of a damage suit by Mrs. Margaret Johnson against the New York, New Haven and Hartford Railroad. Mrs. Johnson's husband fell off a New Haven barge in the East River and was drowned. She won \$20,000 but the award was thrown out by the Circuit Court of Appeals.

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## 2 Atom Spies Again Doomed

WASHINGTON, Nov. 17 (INS) —The Supreme Court today again doomed atomic spies Julius and Ethel Rosenberg to death for giving stolen U. S. A-bomb secrets to Russia.

The high tribunal voted 8-1 against review of the death sentence conviction. Justice Black dissented. A date now will be set in the New York Federal Court for the Rosenbergs' electrocution.

Supreme Court officials said the couple now can escape the electric chair only if the White House orders clemency or the high bench allows a third appeal, which appears unlikely.

But in New York, Attorney Emanuel H. Bloch, counsel for the condemned spies, declared:

"The battle is by no means over. There are several avenues of legal action still to pursue and each one will be pursued vigorously."

Bloch said that before seeking executive intervention he would appeal for "judicial clemency" by the trial judge, who in passing sentence last year branded the crime of which the Rosenbergs were adjudged guilty

"worse than murder."

The Supreme Court also repeated its rejection of the appeal of the Rosenbergs' co-conspirator, Morton Sobell, who was sentenced to 30 years in prison.

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# ATOM SPIES' APPEAL IS REJECTED AGAIN

High Court's Action Opens Way  
for U. S. to Seek New Date  
for Rosenbergs' Execution

By LEWIS WOOD  
Special to The New York Times

WASHINGTON, Nov. 17—The Supreme Court refused again today to reopen the case of Julius and Ethel Rosenberg, the husband and wife condemned to die for giving atomic secrets to Soviet Russia. The tribunal on Oct. 13 rejected the New York couple's earlier appeal for a review of their trial.

Supreme Court attaches believe that defense counsel will make desperate efforts to save the atomic spies from the electric chair in Sing Sing Prison in Ossining, N. Y., where the Rosenbergs are being held.

They said that the couple might petition the trial court in New York for a writ of habeas corpus, and, if necessary, try to fight the case on this point all the way up to the Supreme Court again. In a last resort, there also can be an appeal to the President for a commutation of sentence.

Justice Department officials, viewing the Supreme Court's action as final by that bench, said that the way was now open for the Government to ask that a date of execution be set.

A formal notification that a rehearing has been denied will be forwarded tomorrow to the Second Federal Circuit Court of Appeals. It, in turn, will inform the trial court, from which the Government could seek the new execution date.

The Supreme Court also refused a hearing to Morton Sobell, a radar expert who was convicted with the Rosenbergs and was sentenced to thirty years in prison.

The Court said that Justice Hugo

L. Black again maintained that the Rosenbergs and Sobell should receive a hearing.

Justice Felix Frankfurter issued a statement emphasizing that a "misconception" of the Supreme Court's refusal to grant reviews, "persists despite repeated attempts at explanation." Regarding such a refusal, he said:

"It means, and all that it means is, that there were not four members of the court to whom the grounds on which the decision of the Court of Appeals was challenged seemed sufficiently important when judged by the standards governing the issue of the discretionary writ of certiorari."

"It also deserves to be repeated that the effective administration of justice precludes this court from giving reasons, however briefly, for its denial of a petition for certiorari."

Justice Frankfurter has previously objected to newspaper reports implying that a refusal to review a case put the Supreme Court in agreement with the decision of the lower court.

He said that the Second Federal Circuit Court of Appeals was "deeply conscious of its responsibility" when it reviewed the Rosenbergs' conviction in the Federal District Court in New York. He also noted that the Supreme Court could not change a death sentence pronounced by a trial court. This had been sought by the Rosenbergs on the ground that the penalty was too severe.

"A sentence imposed by a United States District Court, even though it be a death sentence, is not within the power of this court to revise," Mr. Frankfurter said.

The Supreme Court also rejected the plea of a "National Committee to Secure Justice in the Rosenberg Case" to file a brief as a friend of the court. The brief, seeking a new trial for the Rosenbergs and Sobell, was accompanied by a petition allegedly signed with 50,000 names.

Rosenbergs Noncommittal

Special to The New York Times

OSSINING, N. Y., Nov. 17—Julius Rosenberg, 34 years old, and

his wife, Ethel, 36, Federal prisoners in Sing Sing Prison under sentence of death, were noncommittal today on hearing that the Supreme Court again had refused to intervene in their behalf.

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## JERUSALEM SENDS A ROSENBERG PLEA

20 Religious Leaders Urge  
Truman Clemency for Pair  
Condemned as Spies

Special to The New York Times

JERUSALEM, Nov. 18—Twenty prominent rabbis and religious leaders in Jerusalem appealed to President Truman today to exercise clemency on behalf of Julius and Ethel Rosenberg. The New York couple is under sentence to die in Sing Sing Prison for passing atomic secrets to the Soviet Union.

The petition, sponsored by Jerusalem relatives of the condemned spies, said:

"We can hardly imagine that Jews anywhere in the world and especially in a glorious country like the United States should act against the interests of the state. At least we are not aware of such an instance in the long history of the Jewish people.

"Similarly, we are not aware of any precedent where a person has been condemned to death in a democratic country for offenses alleged in this case in time of peace."

The rabbis appealed to the President's sense of humanity and noted that the prisoners could do no further harm if they remained in custody.

The signatories included officials of the Chief Rabbinate and well-known Talmudic sages. Chief Rabbi Isaac Halevy Herzog and Ben-Zion Hai Uziel were not among the signatories.

PARIS, Wednesday, Nov. 19 (AP)—The Communist newspaper L'Humanité opened a drive today to save the Rosenbergs from the electric chair by urging all Frenchmen to write to President Truman at the White House to ask for commutation of their sentences. The newspaper's front page carried a message from Pablo Picasso, noted artist, urging world intellectuals to write the President.

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